



FAIRBANKS CITY COUNCIL  
AGENDA NO. 2018-11  
**REGULAR MEETING JUNE 11, 2018**  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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WORK SESSION

6:00 p.m. – City Snow Removal

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*It is the mission of the City of Fairbanks to provide essential services to the residents of the City that increase the desirability of the City as a place to live, work, and visit. Essential services include not just the visible activities of police, fire, and public works employees, but also the creation and maintenance of community infrastructure, promotion of safe housing and construction standards, and the sound management of community assets.*

REGULAR MEETING

7:00 p.m.

1. ROLL CALL
2. INVOCATION
3. FLAG SALUTATION
4. CEREMONIAL MATTERS (Proclamations, Introductions, Recognitions, Awards)
5. CITIZENS' COMMENTS on consent agenda items indicated by an asterisk (\*). Testimony is limited to five minutes. Any person wishing to speak needs to complete the register located in the hallway. Normal standards of decorum and courtesy should be observed by all speakers. Remarks should be directed to the City Council as a body rather than to any particular Council Member or member of the staff. In consideration of others, please silence all cell phones and electronic devices.
6. APPROVAL OF AGENDA AND CONSENT AGENDA

Approval of Consent Agenda passes all routine items indicated by an asterisk (\*). Consent Agenda items are not considered separately unless a Council Member so requests. In the event of such a request, the item is returned to the General Agenda.

7. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

- \*a) Regular Meeting Minutes of April 23, 2018

8. SPECIAL ORDERS

- a) The Fairbanks City Council will hear interested citizens concerned with the following application for a New Retail Marijuana Store License. Public Testimony will be taken and limited to five minutes.

Type: Retail Marijuana Store, License #13949  
DBA: Wishful Things, LLC  
Licensee/Applicant: Wishful Things, LLC  
Physical Location: 3505 Airport Way, Fairbanks, Alaska

9. MAYOR'S COMMENTS AND REPORT

- a) Special Reports

10. UNFINISHED BUSINESS

- a) Ordinance No. 6074 – An Ordinance Repealing Fairbanks General Code Section 1-19. Introduced by Mayor Matherly. **SECOND READING AND PUBLIC HEARING.**
- b) Ordinance No. 6075 – An Ordinance Authorizing and Directing Retention of the Property Known as the Polaris Building for Public Purpose Upon Tax Foreclosure. Introduced by Mayor Matherly and Council Member Pruhs. **SECOND READING AND PUBLIC HEARING.**

11. NEW BUSINESS

- \*a) Resolution No. 4837 – A Resolution Fixing the Rate of Tax Levy for Municipal Purposes for the 2018 Real Property Tax of the City of Fairbanks, Alaska. Introduced by Mayor Matherly.
- \*b) Resolution No. 4838 – A Resolution to Apply for the Alaska Department of Public Safety FFY2017 Edward Byrne Memorial Justice Grant (JAG). Introduced by Mayor Matherly.

- \*c) Ordinance No. 6076 – An Ordinance Amending Fairbanks General Code Section 2-119 Order of Business, to Change the Time Limits for Citizens’ Comments. Introduced by Mayor Matherly and Council Members Pruhs, Bagwill, Therrien, Rogers, and Huntington.
- \*d) Ordinance No. 6077 – An Ordinance Amending Fairbanks General Code Chapter 22, Elections. Introduced by Council Member Cleworth.

12. DISCUSSION ITEMS (Information and Reports)

- a) Committee Reports

13. WRITTEN COMMUNICATIONS TO THE CITY COUNCIL

- \*a) Hotel/Motel Discretionary Fund Committee Meeting Minutes of January 10, 2018
- \*b) Reappointments to the Board of Plumber Examiners

14. CITIZENS’ COMMENTS, oral communications to the City Council on any item not up for public hearing. Testimony is limited to five minutes.

15. COUNCIL MEMBERS’ COMMENTS

16. CITY CLERK’S REPORT

17. CITY ATTORNEY’S REPORT

18. EXECUTIVE SESSION

19. ADJOURNMENT



FAIRBANKS CITY COUNCIL  
REGULAR MEETING MINUTES, APRIL 23, 2018  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA

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The City Council convened at 7:00 p.m. on the above date, following a 5:00 p.m. Work Session on City Marijuana Regulations, to conduct a Regular Meeting of the Fairbanks City Council at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Mayor Jim Matherly presiding and with the following Council Members in attendance:

Council Members Present: Joy Huntington, Seat A  
June Rogers, Seat B  
Valerie Therrien, Seat C  
Jonathan Bagwill, Seat D  
Jerry Cleworth, Seat E  
David Pruhs, Seat F

Absent: None

Also Present: Paul Ewers, City Attorney  
D. Danyielle Snider, City Clerk  
Christina Rowlett, Risk Manager/Purchasing Agent  
Angela Foster-Snow, HR Director  
Mike Meeks, Chief of Staff  
Jim Styers, Fire Chief  
Carmen Randle, Chief Financial Officer  
Eric Jewkes, Police Chief

City Clerk Danyielle Snider read the Mission Statement of the City of Fairbanks.

**INVOCATION**

The Invocation was given by City Clerk Danyielle Snider.

**FLAG SALUTATION**

Mayor Matherly asked Ms. Rogers to lead the Flag Salutation.

**CITIZENS' COMMENTS ON CONSENT AGENDA ITEMS**

Mayor Matherly called for Public Testimony and, hearing none, declared Public Testimony closed.

**APPROVAL OF AGENDA AND CONSENT AGENDA**

Mr. Bagwill, seconded by Ms. Rogers, moved to APPROVE the Agenda and Consent Agenda.

Mr. Bagwill, seconded by Mr. Pruhs, moved to add an Executive Session on IBEW Labor Negotiations to the Agenda.

**Mayor Matherly** called for objection to the APPROVAL of the Agenda, as Amended, and hearing none, so ORDERED.

City Clerk Snider read the Consent Agenda into the record.

**APPROVAL OF PREVIOUS MINUTES**

- a) Regular Meeting Minutes of March 5, 2018.

APPROVED on the CONSENT AGENDA.

**SPECIAL ORDERS**

- a) The Fairbanks City Council considered a request for a Restaurant Designation Permit for the following Beverage Dispensary Liquor License:

Type: Beverage Dispensary, License #3997  
DBA: BPO Elks Lodge #1551  
Licensee/Applicant: BPO Elks Lodge #1551  
Physical Location: 1003 Pioneer Road, Fairbanks, Alaska

**Ms. Huntington**, seconded by **Ms. Therrien**, moved to WAIVE PROTEST on the Restaurant Designation Permit application.

**Mr. Pruhs** declared a conflict of interest in voting on the item and stated that he is a member of the Elks Lodge.

**Ms. Therrien** stated she is an Elk’s Lodge member as well and must recuse herself also.

**Mayor Matherly** called for Public Testimony and, hearing none, declared Public Testimony closed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE RESTAURANT DESIGNATION PERMIT APPLICATION AS FOLLOWS:

YEAS: Bagwill, Cleworth, Rogers, Huntington  
NAYS: None  
ABSTAIN: Therrien, Pruhs  
**Mayor Matherly** declared the MOTION CARRIED.

- b) The Fairbanks City Council heard interested citizens concerned with the following Liquor License Application for Renewal:

Lic. #	DBA	License Type	Licensee	Address
4816	Mayan Palace	Beverage Dispensary	Taco Azteca, Inc.	3401 Airport Way

**Mr. Pruhs**, seconded by **Ms. Huntington**, moved to WAIVE PROTEST on the Liquor License Application for Renewal.

**Mayor Matherly** called for Public Testimony and, hearing none, declared Public Testimony closed.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION TO WAIVE PROTEST ON THE LIQUOR LICENSE APPLICATION FOR RENEWAL AS FOLLOWS:

YEAS:           Huntington, Bagwill, Therrien, Pruhs, Cleworth, Rogers  
NAYS:           None

**Mayor Matherly** declared the MOTION CARRIED.

## **MAYOR'S COMMENTS AND REPORT**

### a)       Special Reports

Jerry Evans, 101 Dunkel Street, Fairbanks – Mr. Evans stated he is the Public Relations Manager at Explore Fairbanks and reported on upcoming events in the community. He stated February and March were very busy months for hosting media tours, one of which was the Washington Post to report on the aurora borealis. He thanked the Council for reinvesting bed tax dollars into destination marketing.

Brittany Smart, 907 Terminal Street, Fairbanks – Ms. Smart stated she is attending on behalf of Fairbanks North Star Borough (FNSB) Mayor Karl Kassel. She stated the biggest issue the Borough is currently dealing with is the backlog of building maintenance. She stated the Assembly is considering waiting a year before revisiting what needs to be done with Mary Siah.

**Mayor Matherly** reported he will be attending the Mayor's Charity Ball to benefit the United Way the following weekend. He stated he spends a lot of time following up on complaints and issues relating to snow, water, and potholes. He reported Public Works is already working on potholes and that anyone can call to report potholes. He stated he has heard some vicious things about Mayor Kassel; he stated that people should give Mayor Kassel a chance because of the tough spot he is in. **Mayor Matherly** stated that property owners need to care for their property because the government cannot swoop in and fix private property. He spoke to how efficiently the Work Session went and stated he was pleased that everyone who signed up got to speak.

## **DISCUSSION ITEMS**

### a)       Committee Reports

Legislative Priorities Meeting – **Ms. Therrien** stated the committee met the previous week and will meet again the following week. She shared that she spoke with Representative Adam Wool who is optimistic that the Alaska Industrial Development and Export Authority (AIDEA) financing bill would be voted on before the end of the session. She stated the Permanent Fund Review Board would be meeting in Chambers the following Wednesday.

FMATS Policy Committee – **Mr. Cleworth** reported that the Fairbanks Metropolitan Area Transportation System (FMATS) changed their name to Fairbanks Area Surface Transportation (FAST) Planning, and they have adopted new bylaws and Articles of Incorporation to become a standalone entity. He stated all parties involved are trying to work things out by October 1.

Fairbanks Diversity Council (FDC) – Ms. Rogers stated the FDC met recently, and she shared her excitement about the commitment of new members. She stated that the FDC currently has 17 members, and she believes the more voices it has, the better it is.

Explore Fairbanks Board of Directors – Mr. Bagwill stated Explore Fairbanks had a Board retreat at the Taste of Alaska Lodge, and it was helpful to get up to speed.

### **WRITTEN COMMUNICATIONS TO COUNCIL**

a) Fairbanks Diversity Council Meeting Minutes of March 13, 2018

ACCEPTED on the CONSENT AGENDA.

b) Appointment to the Fairbanks Diversity Council

APPROVED on the CONSENT AGENDA.

### **CITIZENS' COMMENTS**

Frank Turney, 329 6th Avenue, Fairbanks – Mr. Turney reported that Mr. Buberger is in Thailand. Mr. Turney spoke to people not picking up after their dogs when out in public and to the dangers of parvo. He stated Mary Siah Recreational Center does not need to be torn down and spoke well of the woman it was named after. He stated someone should start a non-profit organization and assume care of the facility. Mr. Turney stated the architect flip-flopped on his assessment of the structural integrity of the building, and a third party should be able to evaluate it too. He thanked the Council for hosting the work session on cannabis and shared that he does not smoke cannabis because he prefers to eat it. He stated he is ready for Nature's Releaf to open so he can purchase medicinal cannabis.

Jim Gower, 3018 Riverview Drive, Fairbanks – Mr. Gower stated that he is wearing a red shirt in opposition to marijuana; he spoke out against alcohol also. He stated he is a realtor and indicated that he is selective about who he works with. He asked the Council to use common sense when adopting marijuana regulations.

Shoshana Kun, 326 Wedgewood Drive, #E27, Fairbanks – Ms. Kun thanked the Council for their time and asked that the issues of onsite consumption and buffer zones be separated out and considered under a separate ordinance. She stated she is a chemical dependence counselor through the State of Alaska and that she supports onsite consumption. Ms. Kun stated she does not want marijuana licenses to become commodities like liquor licenses. She stated tourists deserve the right to have a safe place to consume cannabis when they visit the City of Fairbanks.

Kathy Ottersten, 1435 3rd Avenue, Fairbanks – Ms. Ottersten stated that recently a group of people in Anchorage who were meeting to discuss non-violent protest were bear sprayed. She stated that ten of the individuals had to seek medical attention, and she finds it deeply disturbing. Ms. Ottersten stated there is no room for violence in civics, and she hopes the Council will condemn that kind of hate.

Dan Peters, 2604 Davis Road, Fairbanks – Mr. Peters pointed out that two alcohol licenses passed without any discussion earlier in the meeting and stated that one day the cannabis industry would be the same. He spoke in favor allowing onsite consumption, and he quoted the “liberty and justice for all” portion of the Pledge of Allegiance. He stated that everyone should be treated equally.

Connie Moore, Fairbanks – Ms. Moore stated she read in the Anchorage Daily News that Alaskans want “higher octane” marijuana. She stated that when she was expecting a child in 1979, her physician told her she could drink a beer or glass of wine on a regular basis; she added that we now know that is not okay. Ms. Moore spoke to the pain management movement which resulted in a real problem with opioid addiction and abuse. She stated she does not see marijuana going away, and it would behoove the community to proceed in a carefully orchestrated manner that respects everyone. She spoke to the known effects of marijuana use.

### **COUNCIL MEMBERS’ COMMENTS**

**Ms. Therrien** thanked everyone who came out to testify; she stated it seemed to be a very balanced group of speakers. She thanked Explore Fairbanks for inviting her to attend their banquet on Saturday; she stated it was fun.

**Mr. Cleworth** asked when the Chief of Police would provide input on proposed marijuana regulations, and he asked if the Chief would be comfortable giving a staff report.

Chief of Police Eric Jewkes stated that there are three issues: proximity/distance issues, limitations on retail licenses, and onsite consumption. He stated that while it is up to the City Council to determine a retail license limit, it would be easier to increase the number later than to decrease it. He stated he likes the simplicity of measuring buffer distances by a straight line versus pedestrian route. He stated he has not looked at the zoning to see what a 500-foot versus a 750-foot buffer would look like. He expressed doubt that the City has the resources to be the social experiment for onsite consumption, and he recommended that the Council let others come up with a model of how to deal with the issue. He mentioned that one more issue to consider may be hours of operation.

**Ms. Therrien** stated people have been using marijuana for a long time, and she asked how many DUIs have resulted from marijuana use in the past decade. Chief Jewkes stated he did not know because the only way to know whether a driver is impaired by marijuana is by a blood test.

**Mr. Pruhs** asked Chief Jewkes to, within the next week, provide the Council with a report on public safety responses to marijuana cultivation and retail facilities since January 1, 2017.

**Ms. Huntington** stated the Council seems concerned with potential issues; she asked if any industry-related arrests have occurred. Chief Jewkes stated there have been arrests but not a troubling number; he stated in his experience business owners are professional and responsible.

**Mr. Rogers** thanked those who took the time to speak to the issues; she stated it was an exceptional meeting, and she commended Ms. Moore specifically for her comments. **Ms. Rogers** stated that the Council should seek regulations that are respectful to everyone.

**Mr. Pruhs** asked for reports from the Building Department, Clerk’s Office, and the Attorney’s Office on all complaints filed regarding existing marijuana facilities inside the City.



**Ms. Bagwill** stated he appreciated the format of the Work Session, and he thinks it ran according to the intended plan. He stated the Council should seek to come up with a win-win for everyone in setting regulations, but there may not be a way to please everyone; he spoke to the importance of compromise. **Mr. Bagwill** stated he has spoken with some of the owners in the marijuana industry, and they have come up with good business models. He stated that when the dust settles the Council needs to do what is right for the City. He shared that he recently attended the memorial service for former City Council Member Jerry Norum, and he spoke highly of Mr. Norum. He congratulated City Dispatcher Angela Modrell for her assistance in delivering a baby over the phone.

**Ms. Huntington** thanked everyone for coming to the meeting with a respectful attitude. She echoed Mr. Bagwill's sentiments that the Work Session went very smoothly; she commented that the marijuana industry is new and patience is critical during the regulation process.

**Mr. Bagwill**, seconded by **Ms. Huntington**, moved to go into Executive Session to discuss Fairbanks Firefighter Union (FFU) and International Brotherhood of Electrical Workers (IBEW) labor negotiations.

**Mayor Matherly** called for objection and, hearing none, so ORDERED.

**Mayor Matherly** called for a brief recess.

#### **EXECUTIVE SESSION**

- a) FFU Labor Negotiations
- b) IBEW Labor Negotiations

The City Council met in Executive Session to discuss FFU and IBEW labor negotiations. Direction was given to the negotiating team, and no action was taken.

#### **ADJOURNMENT**

**Ms. Therrien**, seconded by **Mr. Bagwill**, moved to ADJOURN the meeting.

**Mayor Matherly** called for objection and, hearing none, so ORDERED.

**Mayor Matherly** declared the meeting adjourned at 9:15 p.m.

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JIM MATHERLY, MAYOR

ATTEST:

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D. DANYIELLE SNIDER, CMC, CITY CLERK

Transcribed by: EB




# MEMORANDUM

City of Fairbanks Clerk's Office

D. Danyielle Snider, City Clerk

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TO: Mayor Jim Matherly  
City Council Members

FROM: D. Danyielle Snider, CMC, City Clerk 

SUBJECT: Application for New Retail Marijuana Store License

DATE: June 6, 2018

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Attached you will find a notification from the Alcohol and Marijuana Control Office (AMCO) of an application for a new Retail Marijuana Store License and additional information for the following applicant:

License #: **13949**  
License Type: **Retail Marijuana Store**  
D.B.A.: **Wishful Things, LLC**  
Licensee/Applicant: **Wishful Things, LLC**  
Physical Location: **3505 Airport Way, Fairbanks, Alaska**

Pursuant to 3 AAC 306.060, the Council must determine whether or not to protest the marijuana license application after holding a public hearing.

A notice of the date, time and place of the public hearing has been mailed to all property owners within 1,000 feet of the proposed marijuana establishment, and this public hearing will be advertised in the Fairbanks Daily News Miner on June 8, 2018.

The Clerk's Office received one written response to the public notice, and I have included it in the attachments.

There are **no departmental objections** to the issuance of this license.



April 26, 2018

City of Fairbanks  
Attn: Danyielle Snider, City Clerk  
VIA Email: [ddsnider@ci.fairbanks.ak.us](mailto:ddsnider@ci.fairbanks.ak.us)  
[kmajor@fnsb.us](mailto:kmajor@fnsb.us)  
[mayor@fnsb.us](mailto:mayor@fnsb.us)  
[llivingston@fnsb.us](mailto:llivingston@fnsb.us)

<b>License Number:</b>	13949
<b>License Type:</b>	Retail Marijuana Store
<b>Licensee:</b>	Wishful Things, LLC
<b>Doing Business As:</b>	WISHFUL THINGS, LLC
<b>Physical Address:</b>	3505 Airport Way Fairbanks, AK 99709 - 4761
<b>Designated Licensee:</b>	James Simpson
<b>Phone Number:</b>	907-888-5719
<b>Email Address:</b>	jamsimpson@msn.com

**New Application**

AMCO has received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under 3 AAC 306.025(d)(2).

To protest the approval of this application(s) pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.010, 3 AAC 306.080, and 3 AAC 306.250 provide that the board will deny an application for a new license if the board finds that the license is prohibited under AS 17.38 as a result of an ordinance or election conducted under AS 17.38 and 3 AAC 306.200, or when a local government protests an application on the grounds that the proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

This application will be in front of the Marijuana Control Board at our May 7, 2018 meeting.

Sincerely,

*Erika McConnell*

Erika McConnell, Director  
[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)

RECEIVED

MAY 17 2018

CITY OF FAIRBANKS

**CITY OF FAIRBANKS  
PUBLIC NOTICE**

Application has been made for a NEW Retail Marijuana Store License:

D.B.A./License #:	<b>Wishful Things, LLC / #13949</b>
Licensee/Applicant:	<b>Wishful Things, LLC</b>
Physical Location:	<b>3505 Airport Way, Fairbanks, AK</b>

The Fairbanks City Council will hear interested citizens concerned with the above-referenced New Retail Marijuana Store License application at the Regular Meeting of the Fairbanks City Council on June 11, 2018, beginning at 7:00 p.m. in the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska. If you have any questions please call the Office of the City Clerk at 459-6774.

D. Danyielle Snider, CMC  
Fairbanks City Clerk

This ad will be published in the Fairbanks Daily News Miner on June 8, 2018.

I've learned that it doesn't matter what "interested citizens" think, the city council will do as they please. No, I don't want this marijuana store any where near where I live but I feel certain you'll approve it. Disgusted...frustrated...disappointed.

-C. Cowell



**M E M O R A N D U M**

TO: City of Fairbanks Council  
FROM: D. Christine Nelson, AICP *DCN*  
Community Planning Director  
DATE: May 15, 2018  
SUBJECT: Wishful Things, LLC – Retail License #13949

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A “retail marijuana store” is a listed permitted use in the General Commercial (GC) zoning district pursuant to FNSBC 18.64.020.A.77. Zoning permit # 17844 was issued to use 1,200 square feet in an existing building for a retail marijuana establishment.

FNSBC 18.96.240.A.3 addresses buffer distances for commercial marijuana establishments. Buffer distances are measured from the “nearest public entrance of a commercial marijuana establishment” to the “principal building containing other uses listed in subsections (A)(3)(a) through (c)” of FNSBC 18.96.240.A.3, in accordance with FNSBC 18.96.240.A.3.d.

The proposed marijuana establishment is not located within any known sensitive use buffers listed in FNSBC 18.96.240.A.3. There is an arcade approximately 290 feet to the northwest across Airport Way and residential zoning districts approximately 515 feet or greater to the southwest. These distances to these uses all exceed the 100 foot buffer required by FNSBC 18.96.240.A.3.c. Please see the attached proximity and zoning map.

**This memo pertains to the review of borough-required sensitive use buffers only; Community Planning did not review for state or city required buffers.**



# Fairbanks North Star Borough Generic Report

PAN# 0064386

Printed on: 05/10/2018

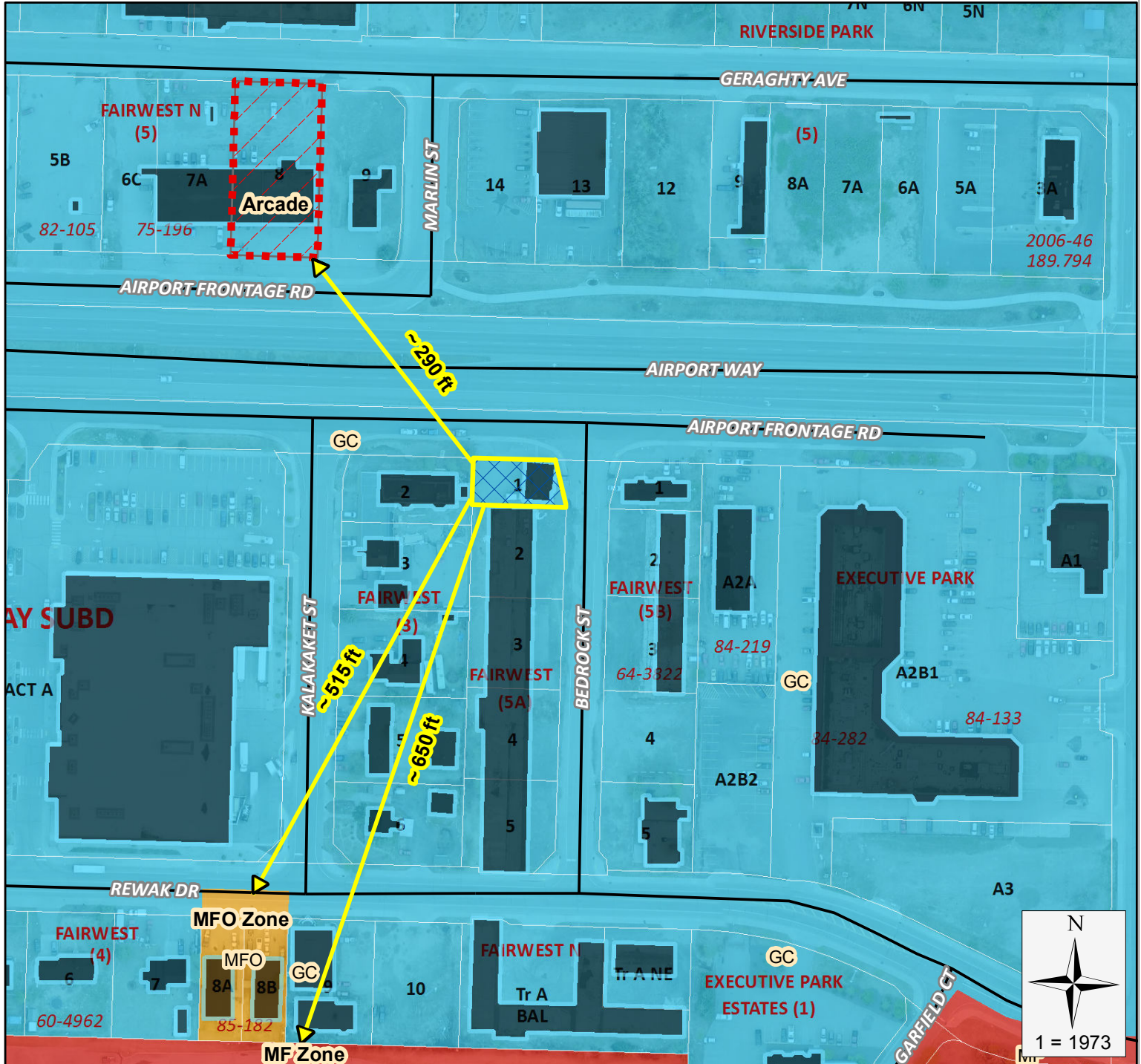


Image courtesy of: Pictometry

### Property Information for PAN#: 0064386

PROPERTY DESCRIPTION: FAIRWEST, BLOCK: 05A, LOT: 01

OWNER: Zou Feng Mei, Simpson James

SITUS ADDRESS: 3505 Airport Way

ZONING: GC (100%)

COMMUNITY PLANNING PERMITS:

Zoning: 17468

Zoning: 17683

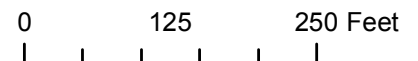
Zoning: 17837

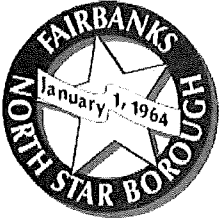
Zoning: 17844

Zoning: 4644

	Wishful Things LLC	
	Sensitive Use	
	Building Outlines (2012)	
GC	MF	MFO

**Proximity, Zoning Map  
and Sensitive Use**  
**Wishful Things LLC**  
**Marijuana License - New - #13949**  
**Retail Store**





**Fairbanks North Star Borough  
Department of Community Planning**

P.O. Box 71267  
Fairbanks, Alaska 99707-1267

Phone: (907) 459-1260

Fax: (907) 459-1255

planning@co.fairbanks.ak.us

**Zoning Permit Number: 17844**

This permit is issued based on the lot dimensions and zone applicable to the lot on the date of issuance. If prior to construction, the zone or the lot dimensions change, this permit will no longer be valid and a new permit must be obtained.

**General Information**

Date: 7/21/2017

Telephone: (907) 888-5719

Applicant: SIMPSON JAMES

Cell Phone:

Mailing Address: 3431 B AIRPORT WAY, FAIRBANKS AK 99709

Email: jamsimpson@msn.com

Property Description: 0064386 LOT 1 BLOCK 5A FAIRWEST

Site Address: 3505 AIRPORT WAY

Existing Use: Other Structure: Other : Vacant Building

Proposed Use: Commercial Structure: Retail marijuana store : 1,200 sq.ft.

Dwelling Units: 0 New: 0 Existing: 0

Building Height (stories): 2

Total Area of Structure: 2,400 SF New: 0 Existing: 2,400 SF

Lot Size: 5,585 SF

Est. Construction Cost:

Note: This zoning permit is to change the use of the first floor of an existing building to a retail marijuana store

Airport Way Front-Yard Setback = 15', Bedrock Street Front-Yard Setback = 10', South Rear-Yard Setback = 10'

The existing building does not meet the FNSBC 18.96.100 Street intersection visibility requirements and FNSBC 18.64.030 GC front yard setback requirements.

All signage shall meet the requirements listed in FNSBC 18.96.070.

Please check with the City of Fairbanks for any permit requirements.

- I certify that I am the owner or that I am authorized to act for the owner of the property.
- I certify that this information is to the best of my knowledge true and complete.
- I acknowledge and will comply with the conditions set forth in this zoning permit.
- I understand that the holder of this permit is required to comply with all other applicable laws, including city, borough, state and federal laws.
- I agree to submit current and accurate documents if the site plan or other application materials are changed subsequent to issuance of this permit.
- I understand that this permit is appealable and that this appeal must be submitted and perfected within 15 days of the date of the decision in accordance with FNSBC 18.104.090.
- This permit is issued contingent upon the applicant obtaining the appropriate State of Alaska Commercial Marijuana Facility License.

Jama Singh  
Applicant Signature

7-24-2017  
Date

**Zoning Specifications**

Existing Zone: GC (100%)  
Minimum Lot Size: 0  
Front Yard Req: 20  
Side Yard Req: 0  
Rear Yard Req: 0

Flood Zone: X PROTECTED BY LEVEE (100%)

Road Service Area: No  
Parking Spaces Req: 6  
Building Type: Principal

**Conditions**

Floodplain Permit Required: NO  
Conditions: Retail marijuana store

FNSB Driveway Permit Required: NO

Reasons: Retail marijuana store meets Title 18 requirements

Permit Approval: Approved

Mansi Singh  
Zoning Official: Singh, M

7/21/2017  
Date

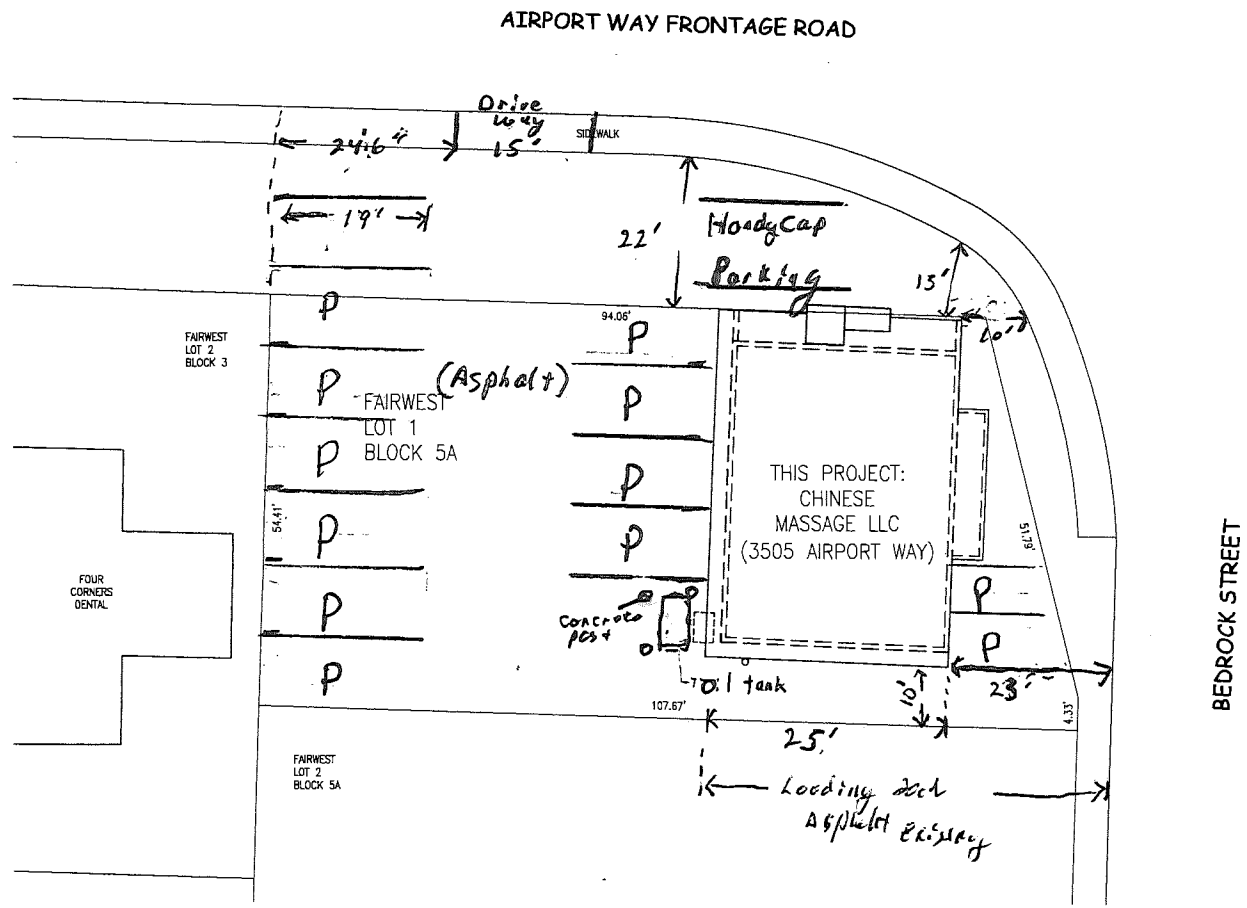
*This is a Fairbanks North Star Borough Community Planning Department Zoning Permit. Please contact other departments and agencies to obtain permits as necessary.*



**DESIGN DATA**

2015 IBC  
 OCCUPANCY: GROUP ~~\_\_\_\_\_~~ (1ST FLOOR, 1200 SF)  
~~\_\_\_\_\_~~ (2ND FLOOR, 1200 SF)  
 TYPE Vb CONSTRUCTION:  
 AREA: 2400 SF (3000 SF ALLOWED)  
 2 STORIES ALLOWED

OCCUPANT LOAD GROUP B  
 100 SF/OCCUPANT: 12 OCCUPANTS  
 ONE EXIT PROVIDED (OCCUPANT LOAD LESS THAN 49)  
 ONE ADA RESTROOM PROVIDED (OCCUPANT LOAD LESS THAN 15)  
 NO FIRE SPRINKLERS PROVIDED  
 5LB ABC FIRE EXTINGUISHERS PROVIDED  
 COMBO SMOKE/CO2 DETECTORS PROVIDED  
 EXIST HOT WATER BASEBOARD HEATING  
 UTILITY ROOM ENCLOSURE: 1-HR FIRE RATED CONSTRUCTION  
 STAIR ENCLOSURE: 1-HR FIRE RATED CONSTRUCTION  
 2ND FLOOR OCCUPANCY SEPARATION: 2-HR FIRE RATED CONSTRUCTION  
 EXIST EXTERIOR WALL CONSTRUCTION OF 8" CMU  
 PROVIDES 1-HR FIRE PROTECTION. 2ND FLOOR WINDOW OPENINGS AT  
 RESIDENCE ARE LOCATED GREATER THAN 10FT FROM SOUTH PROPERTY LINE.  
 EGRESS WINDOWS PROVIDED AT ALL BEDROOMS



BEDROCK STREET



**ISSUED FOR CONSTRUCTION**

**R.A. PRICE ASSOCIATES**  
 ARCHITECTURE - PLANNING  
 CONSTRUCTION MANAGEMENT

320 7th Ave, Fairbanks, Alaska 99701  
 (907) 456-6221 Fax (907) 456-3822

3505 AIRPORT WAY  
 FAIRBANKS, AK  
*Wishful things*

SCALE - 1/8" = 1'-0"

REV 1 01-24-2017 1G-17  
 04-03-2017

A-001

1 SITE PLAN  
 SCALE: 1/8" = 1'-0"

1" = 30'

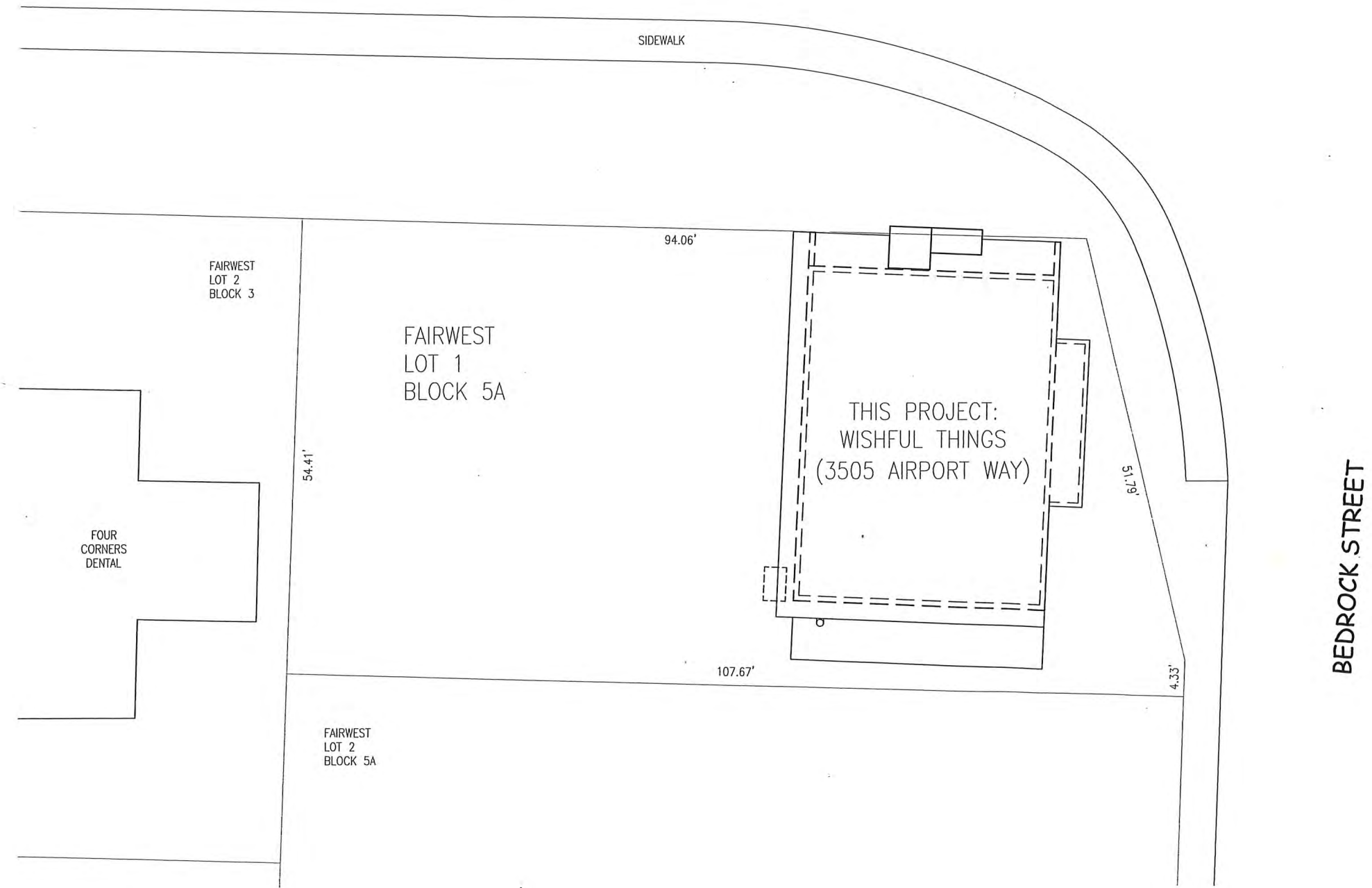
P - parking

**REVIS** Planning Dept  
**DATE** MAY 10 2018 *sw*  
**RECEIVED**

**DESIGN DATA**  
 2015 IBC  
 OCCUPANCY: GROUP 'B' RETAIL MARIJUANA STORE (1ST FLOOR, 1200 SF)  
 SINGLE FAMILY RESIDENCE/OWNER OCCUPIED (2ND FLOOR, 1200 SF)  
 TYPE Vb CONSTRUCTION:  
 AREA: 2400 SF (9000 SF ALLOWED)  
 2 STORIES ALLOWED

**OCCUPANT LOAD GROUP B**  
 100 SF/OCCUPANT: 12 OCCUPANTS  
 ONE EXIT PROVIDED (OCCUPANT LOAD LESS THAN 49)  
 ONE ADA RESTROOM PROVIDED (OCCUPANT LOAD LESS THAN 15)  
 NO FIRE SPRINKLERS PROVIDED  
 5LB ABC FIRE EXTINGUISHERS PROVIDED  
 COMBO SMOKE/CO2 DETECTORS PROVIDED  
 EXIST HOT WATER BASEBOARD HEATING  
 UTILITY ROOM ENCLOSURE: 1-HR FIRE RATED CONSTRUCTION  
 STAIR ENCLOSURE: 1-HR FIRE RATED CONSTRUCTION  
 2ND FLOOR OCCUPANCY SEPARATION: 2-HR FIRE RATED CONSTRUCTION  
 EXIST EXTERIOR WALL CONSTRUCTION OF 8" CMU  
 PROVIDES 1-HR FIRE PROTECTION. 2ND FLOOR WINDOW OPENINGS AT  
 RESIDENCE ARE LOCATED GREATER THAN 10FT FROM SOUTH PROPERTY LINE.  
 EGRESS WINDOWS PROVIDED AT ALL BEDROOMS

**AIRPORT WAY FRONTAGE ROAD**



**BEDROCK STREET**



**ISSUED FOR CONSTRUCTION**

**R.A. PRICE ASSOCIATES**  
 ARCHITECTURE - PLANNING  
 CONSTRUCTION MANAGEMENT  
 529 7th Ave, Fairbanks, Alaska 99701  
 (907) 456-6221 Fax (907) 456-2602

WISHFUL THINGS LLC  
 3505 AIRPORT WAY  
 FAIRBANKS, AK

**SCALE - 1/8" = 1'-0"**

9/1/2017 1706

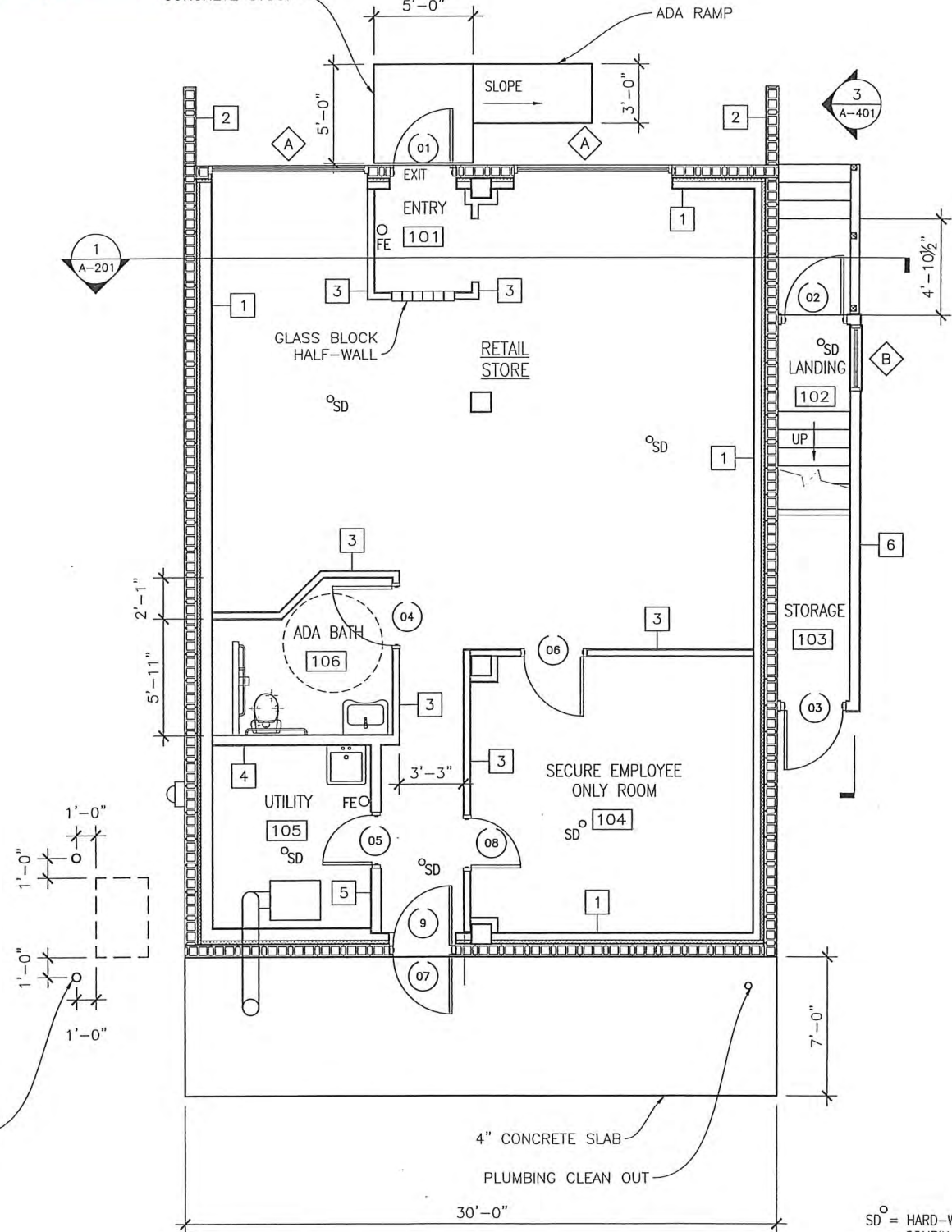
**A-001**

**1 SITE PLAN**  
 SCALE: 1/8" = 1'-0"

REVISED

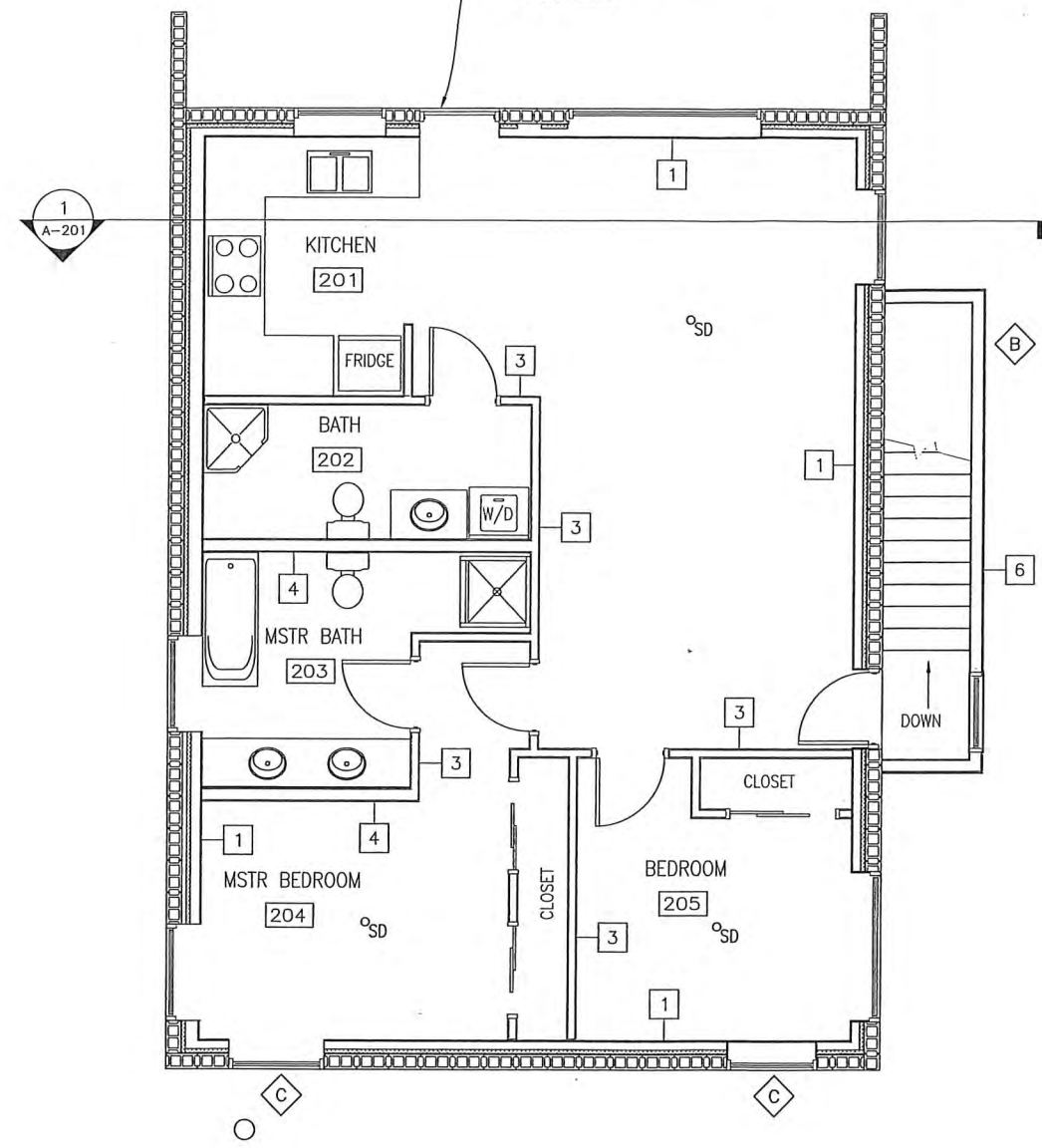
DATE 5/16/18

5'-0" x 5'-0" CONCRETE STOOP



1 MAIN FLOOR PLAN  
SCALE: 1/4" = 1'-0"

EXIST DOOR MADE INOPERABLE:  
DOOR HANDLE & HARDWARE REMOVED & REPLACED WITH BLANK  
2x4 CHAIR RAIL SECURED ACROSS INSIDE FACE OF DOOR TO  
DOOR JAMB



2 2ND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

SD = HARD-WIRED COMBINATION SMOKE/CO2 DETECTOR

NEW BOLLARDS.  
5" SCH 40 PIPE  
FILLED WITH  
CONCRETE



ISSUED FOR CONSTRUCTION



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WISHFUL THINGS LLC  
3505 AIRPORT WAY  
FAIRBANKS, AK

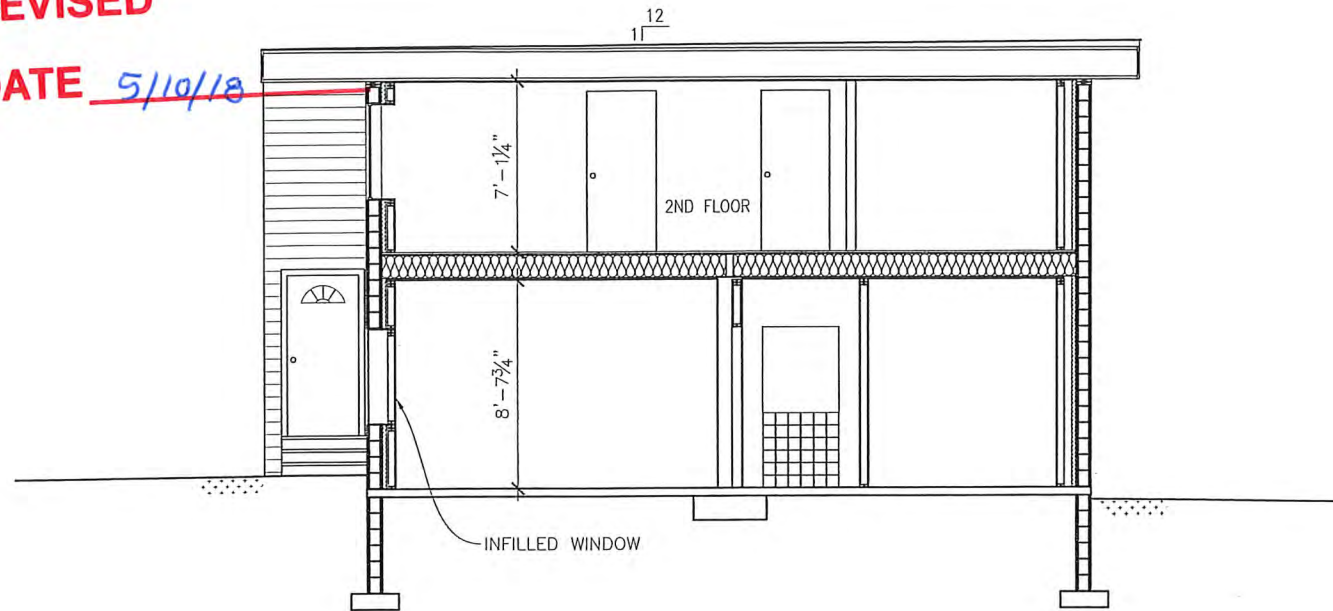
SCALE- 1/4" = 1'-0"

9/1/2017 1706

A-101

REVISED

DATE 5/10/18



1 BUILDING SECTION  
SCALE: 1/4" = 1'-0"  
0 2' 4' 8'

WALL TYPES

- 1 8" CMU EXTERIOR WALL:  
8" CMU BLOCK  
2" RIGID INSUL  
AIR GAP (VARIES)  
2x4 FURRED OUT WALL  
5/8" TYPE-X GWB
- 2 8" DECORATIVE CMU WALL:  
8" DECORATIVE CMU BLOCK
- 3 2x4 TYP PARTITION:  
5/8" TYPE-X GWB EA. SIDE (TEXTURE & PAINT)  
2x4 DF STUDS @ 16" O.C.  
R-11 BATT INSUL
- 4 2x6 PLUMBING WALL:  
48" TALL FRP WAINSCOT @ ALL WET AREAS  
5/8" MOISTURE RESISTANT GWB @ ALL WET AREAS  
EPOXY PAINT  
6" RUBBER BASE WITH SEALANT AT FLOOR  
2x6 DF STUDS @ 16" O.C.  
1/2" TYPE-X GWB (TEXTURE & PAINT)
- 5 2x6 1-HR WALL:  
2x6 DF STUDS @ 16" O.C.  
5/8" TYPE-X GWB (TEXTURE & PAINT) BOTH SIDES  
R-21 BATT INSULATION
- 6 2x6 EXTERIOR WALL @ STAIRWELL & LANDING:  
2x6 DF STUDS @ 16" O.C.  
5/8" TYPE-X GWB (TEXTURE & PAINT)  
R-21 BATT INSULATION  
1/2" CD-X Ply  
LAP SIDING

DOOR SCHEDULE

	SIZE	TYPE	HARDWARE	NOTES
①	3'-0" x 6'-8"	INSULATED HALF-LITE	LEVER LOCK/LATCH	
②	3'-0" x 6'-8"	INSULATED HALF-LITE	LEVER LOCK/LATCH	
③	3'-0" x 6'-8"	INSULATED MTL	LEVER LOCK/LATCH	
④	3'-0" x 6'-8"	SOLID CORE WOOD	LEVER LOCK/LATCH	
⑤	3'-0" x 6'-8"	INSUL MTL 1-HR	LEVER LOCK/LATCH	SPRING HINGES
⑥	3'-0" x 6'-8"	SOLID CORE WOOD	LEVER LOCK/LATCH	
⑦	3'-0" x 6'-8"	INSULATED MTL	LEVER LOCK/LATCH	
⑧	2'-6" x 6'-8"	SOLID CORE WOOD	LEVER LOCK/LATCH	
⑨	3'-0" x 6'-8"	BAR GRATE SECURITY SCREEN	LEVER LOCK/LATCH	

WINDOW SCHEDULE

	SIZE	TYPE
Ⓐ	8'-0" x 6'-0"	EXIST PICTURE WINDOW
Ⓑ	3'-4" x 2'-2"	EXIST PICTURE
Ⓒ	3'-0" x 3'-4"	VINYL CASEMENT TRIPLE PANE STD EGRESS WINDOW



ISSUED FOR  
CONSTRUCTION



520 7th Ave, Fairbanks, Alaska 99701  
(907) 456-6221 Fax (907) 456-2602

WISHFUL THINGS LLC  
3505 AIRPORT WAY  
FAIRBANKS, AK

SCALE- AS SHOWN

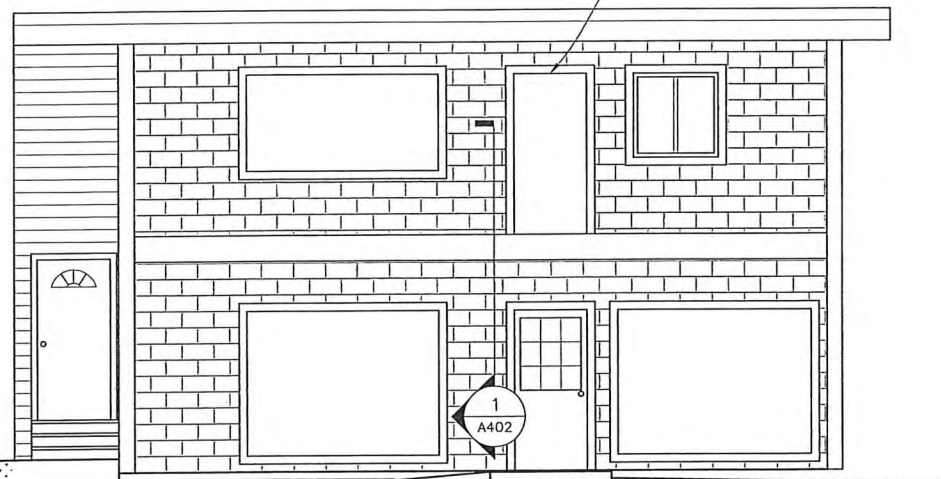
9/1/2017 1706

A-201

REVISED

DATE 5/10/18

PERMANENTLY SEALED DOOR

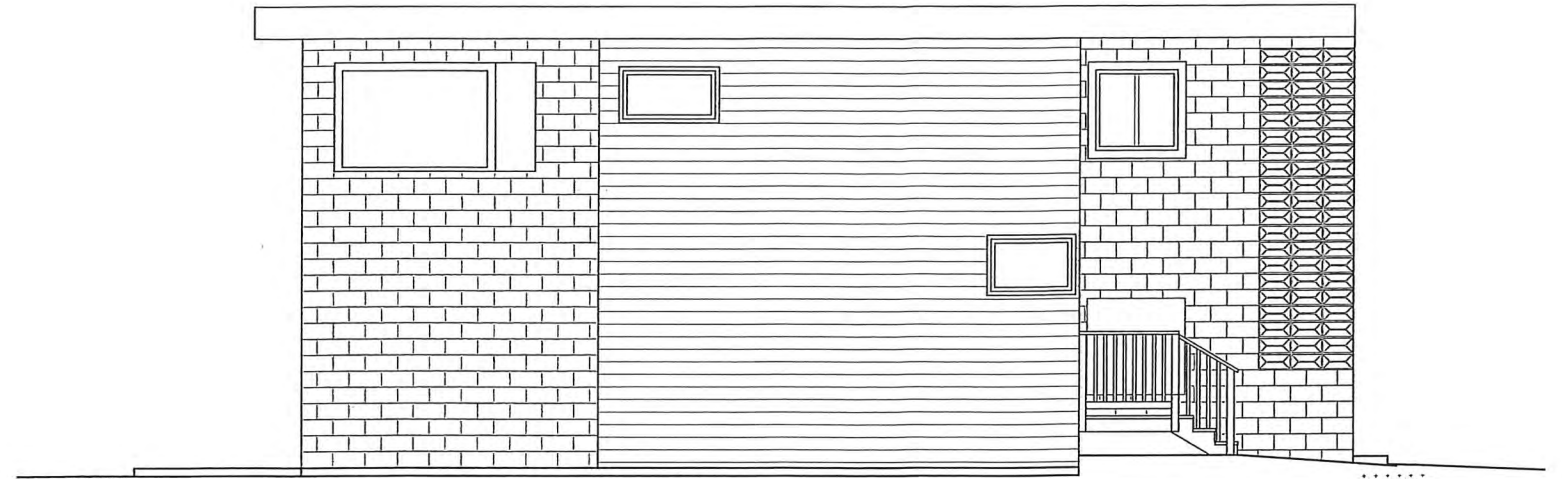


NEW ADA CONCRETE RAMP  
SLOPE 1:12

NEW STOOP

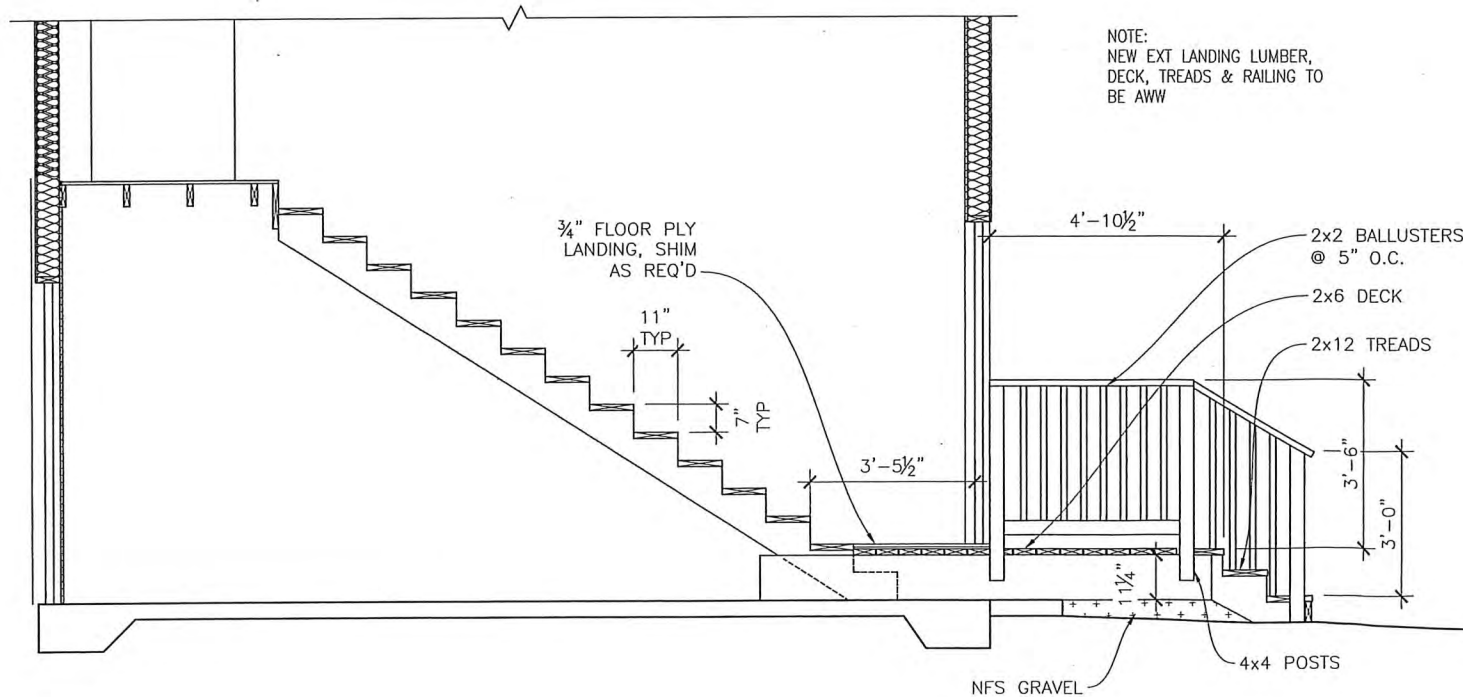
1 NORTH ELEVATION

SCALE: 1/4" = 1'-0" 0 2' 4' 8'



2 EAST ELEVATION

SCALE: 1/4" = 1'-0" 0 2' 4' 8'



NOTE:  
NEW EXT LANDING LUMBER,  
DECK, TREADS & RAILING TO  
BE AWW

3/4" FLOOR PLY  
LANDING, SHIM  
AS REQ'D

11" TYP

7" TYP

3'-5 1/2"

4'-10 1/2"

2x2 BALLUSTERS  
@ 5" O.C.

2x6 DECK

2x12 TREADS

3'-0"

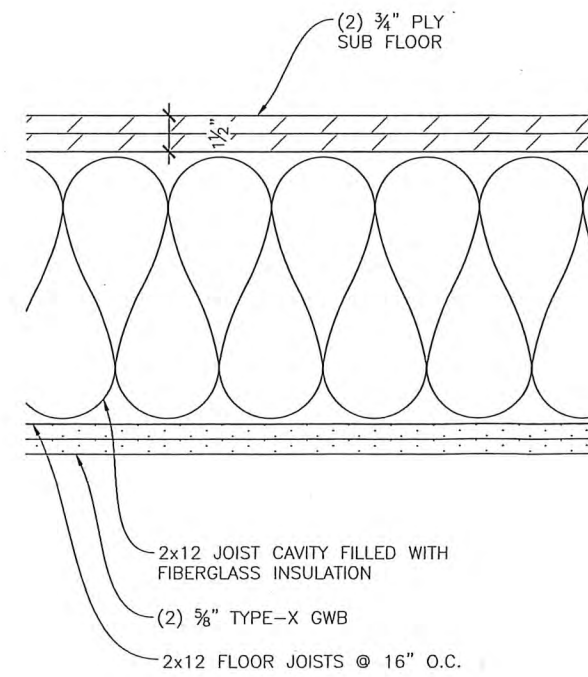
3'-0"

4x4 POSTS

NFS GRAVEL

3 SECTION @ STAIR

SCALE: 1/2" = 1'-0" 0 1' 2' 4'



(2) 3/4" PLY  
SUB FLOOR

2x12 JOIST CAVITY FILLED WITH  
FIBERGLASS INSULATION

(2) 5/8" TYPE-X GWB

2x12 FLOOR JOISTS @ 16" O.C.

4 2-HR FIRE RATED FLOOR/CEILING

SCALE: 3" = 1'-0" 0 2' 4' 8'



ISSUED FOR  
CONSTRUCTION



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WISHFUL THINGS LLC  
3505 AIRPORT WAY  
FAIRBANKS, AK

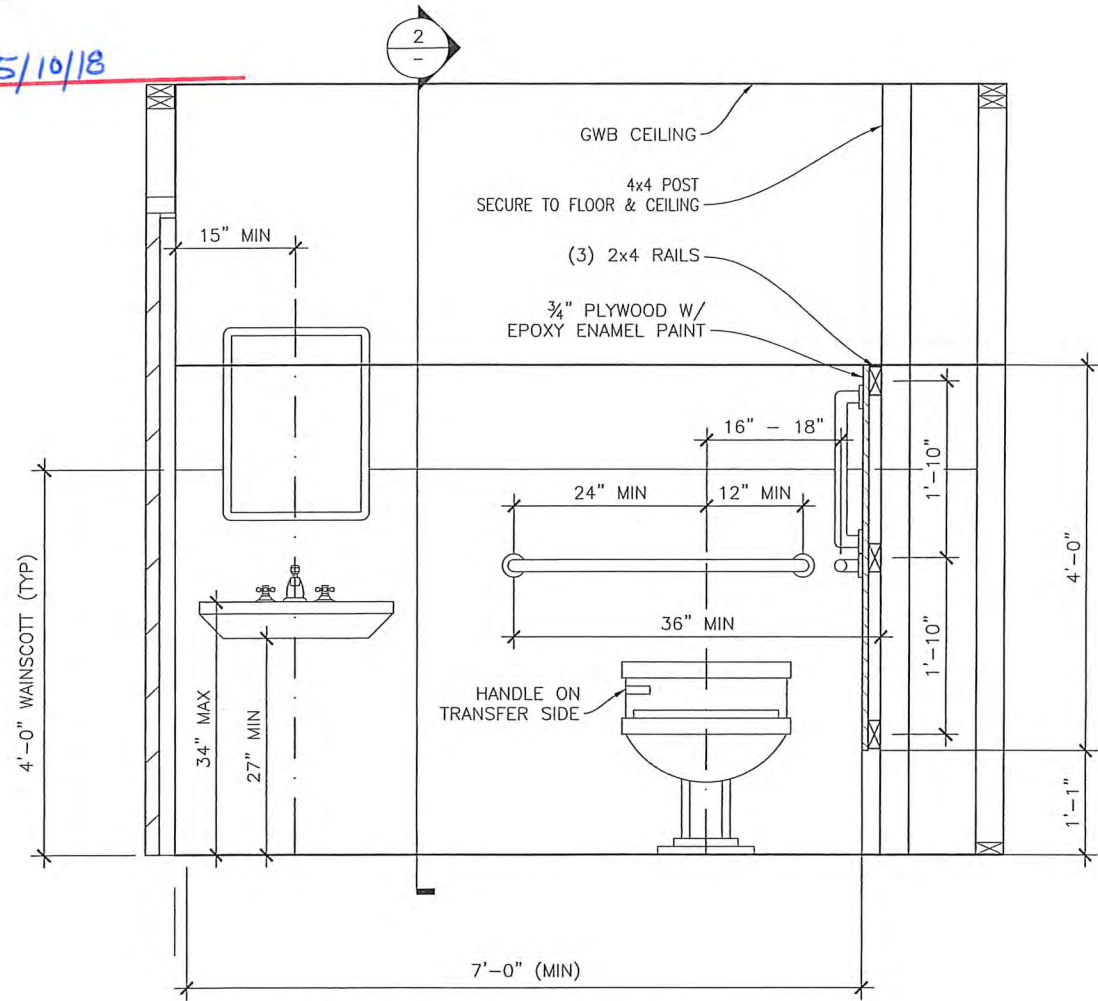
SCALE - 1/4" = 1'-0"

9/1/2017 1706

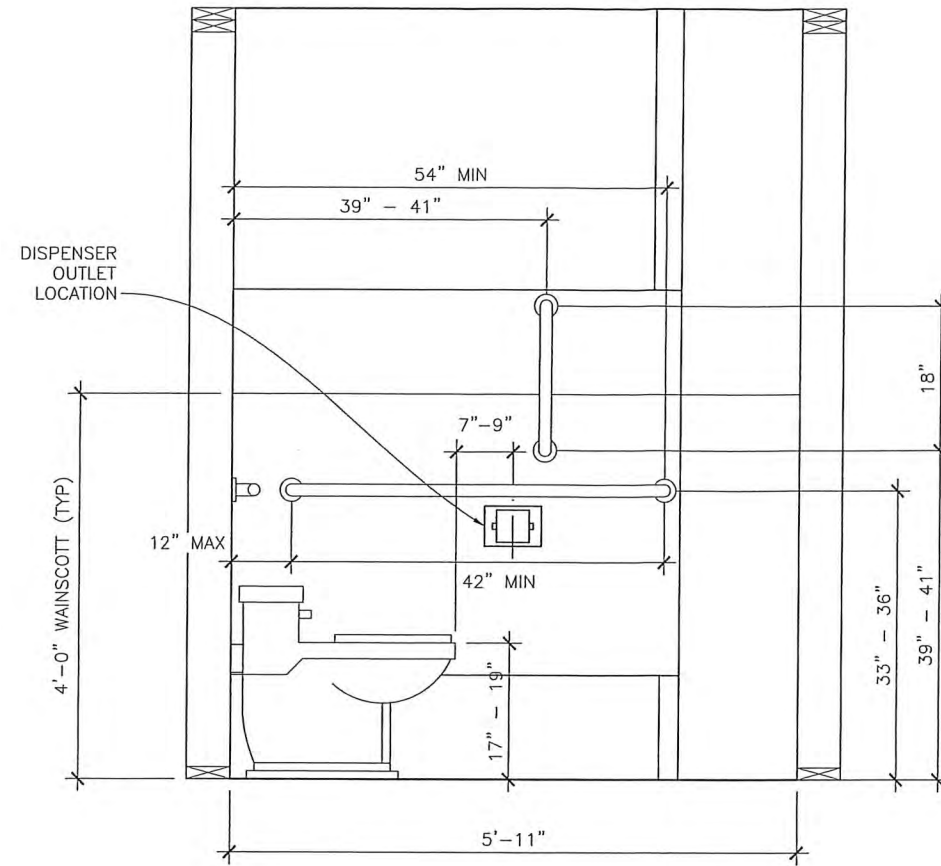
A-301

REVISED

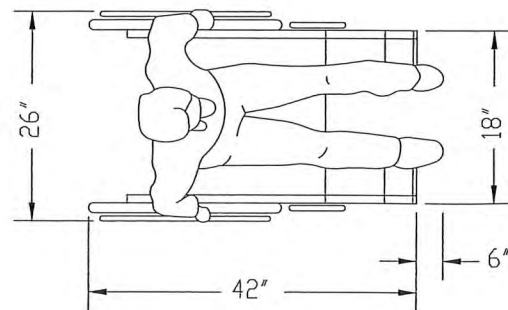
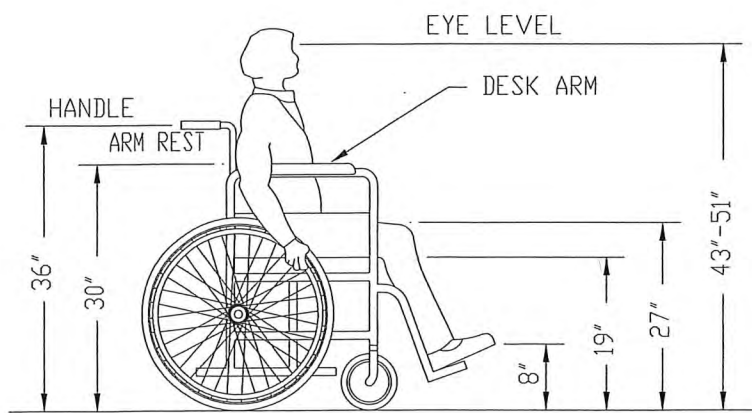
DATE 5/10/18



1 ADA BATHROOM DETAIL  
SCALE: 1" = 1'-0"



2 ADA BATHROOM DETAIL  
SCALE: 1" = 1'-0"



3 ADA WHEEL CHAIR STANDARD  
SCALE: 1" = 1'-0"



ISSUED FOR CONSTRUCTION



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(907) 456-6221 Fax (907) 456-2602

WISHFUL THINGS LLC  
3505 AIRPORT WAY  
FAIRBANKS, AK

SCALE- AS SHOWN

9/1/2017

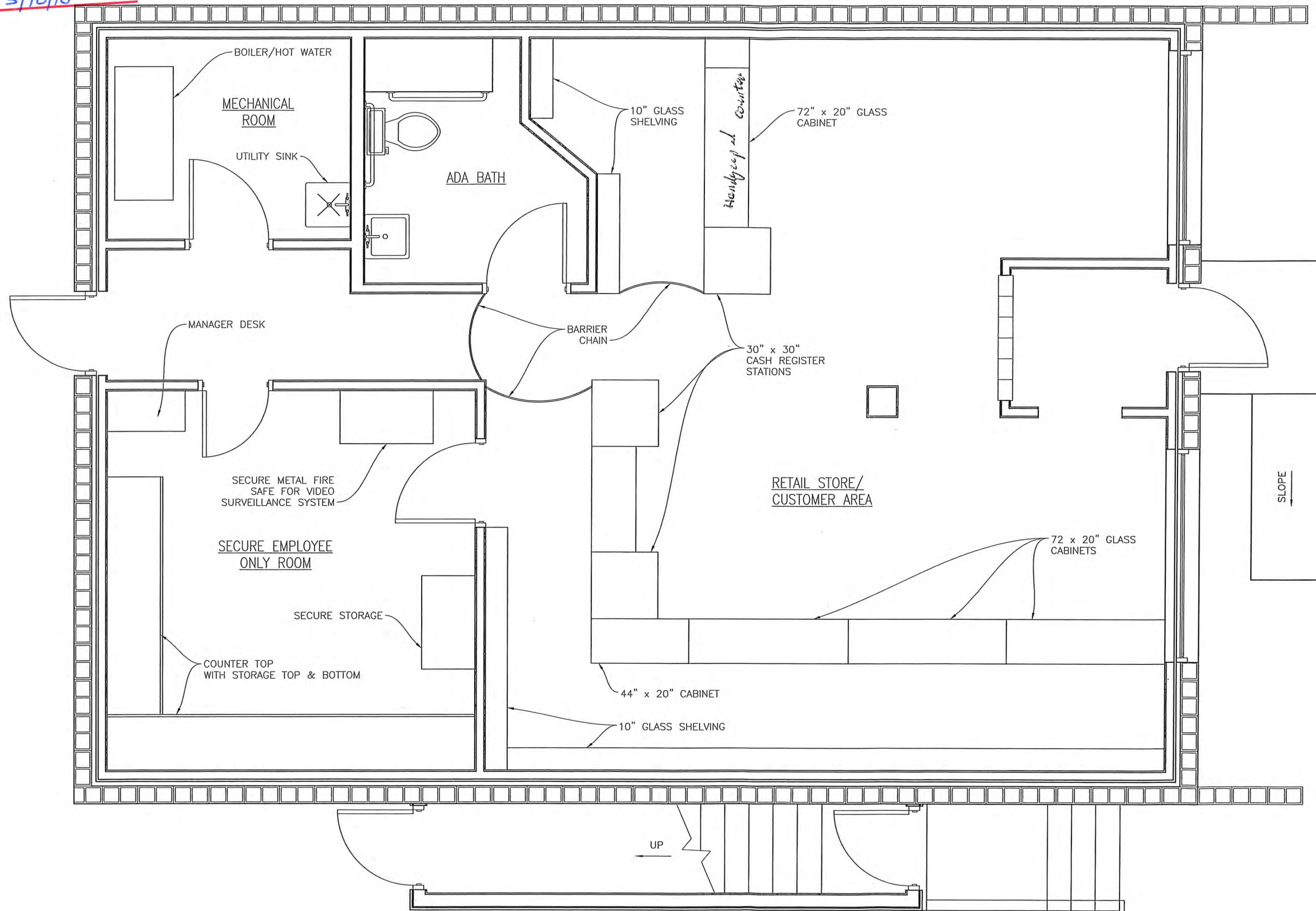
1706

A-401

22 of 67

REVISED

DATE 5/10/18



ISSUED FOR CONSTRUCTION



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(907) 456-6221 Fax (907) 456-2602

WISHFUL THINGS LLC  
3505 AIRPORT WAY  
FAIRBANKS, AK

SCALE- AS SHOWN

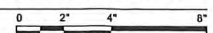
9/11/2017

1706

A-501

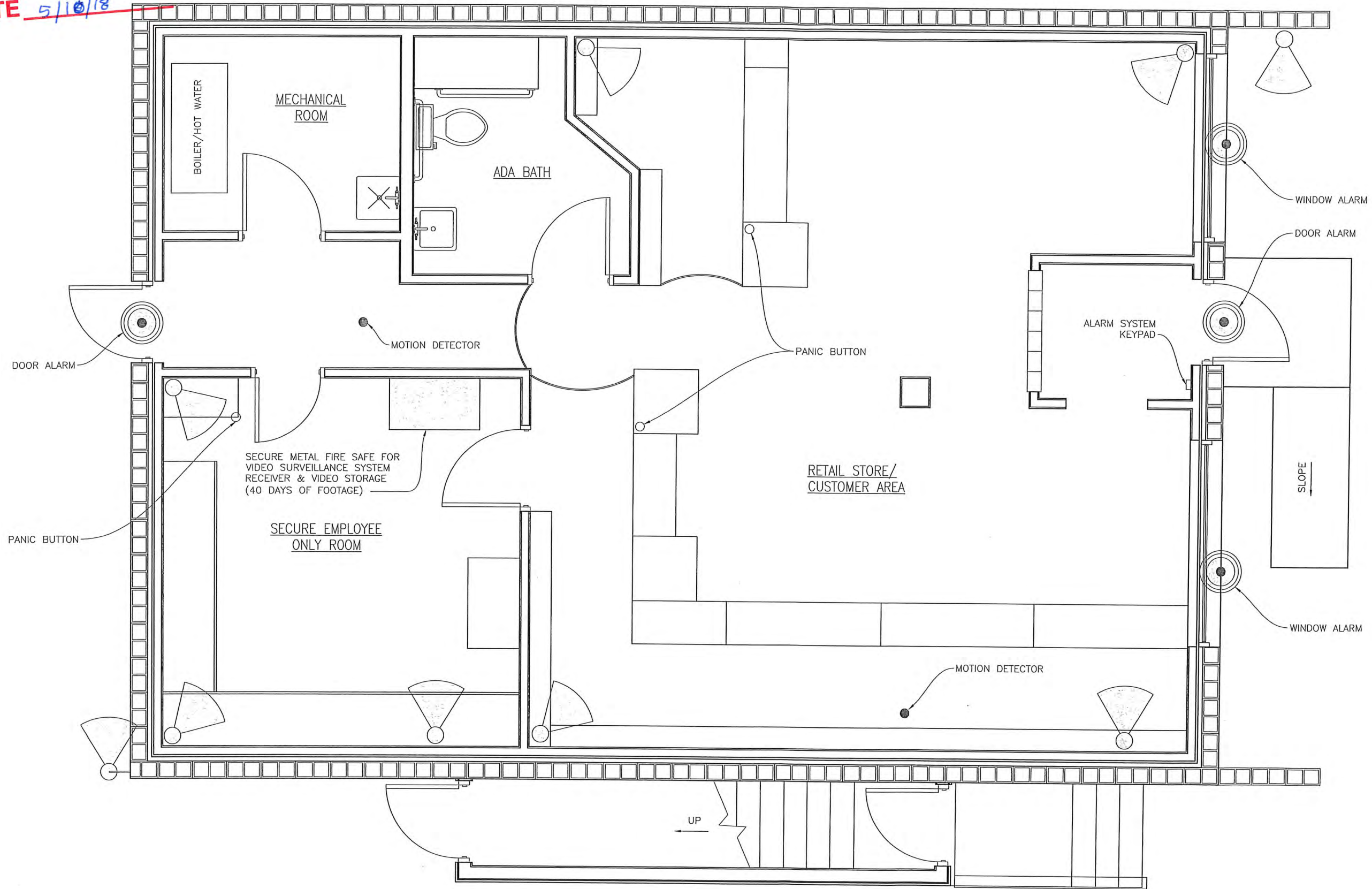
23 of 67

**1 ROOM DESIGNATIONS & LAYOUT**  
SCALE: 1/2" = 1'-0"



REVISED

DATE 5/10/18



ISSUED FOR CONSTRUCTION



R.A. PRICE ASSOCIATES  
 ARCHITECTURE - PLANNING  
 CONSTRUCTION MANAGEMENT

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 (907) 456-6221 Fax (907) 456-2602

WISHFUL THINGS LLC  
 3505 AIRPORT WAY  
 FAIRBANKS, AK

SCALE- AS SHOWN

9/1/2017 1706

A-503

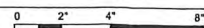
24 of 67



SECURITY CAMERA

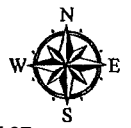
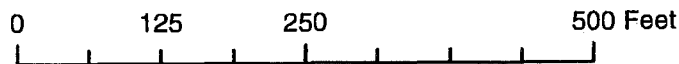
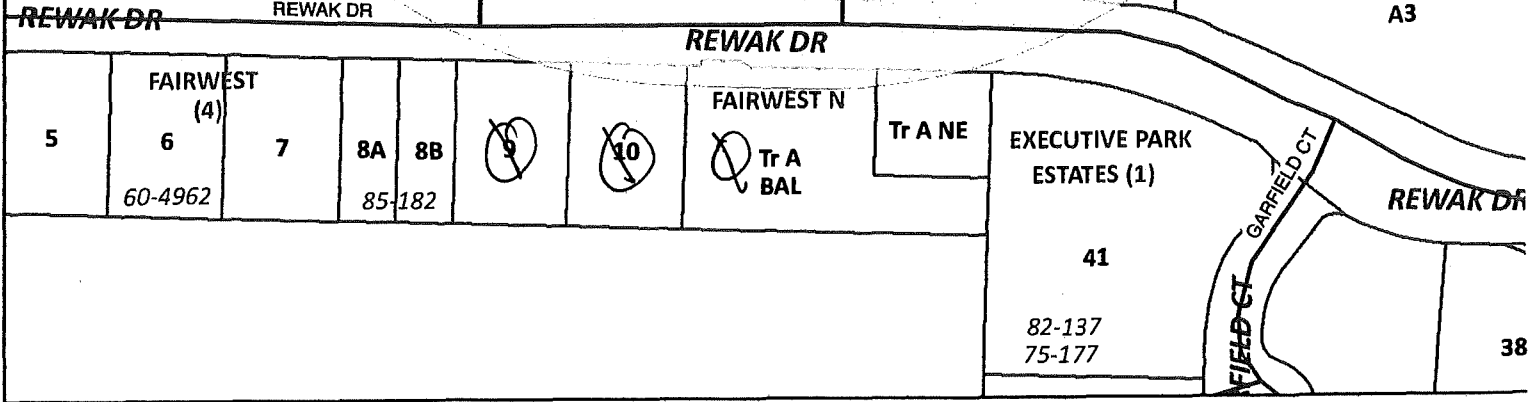
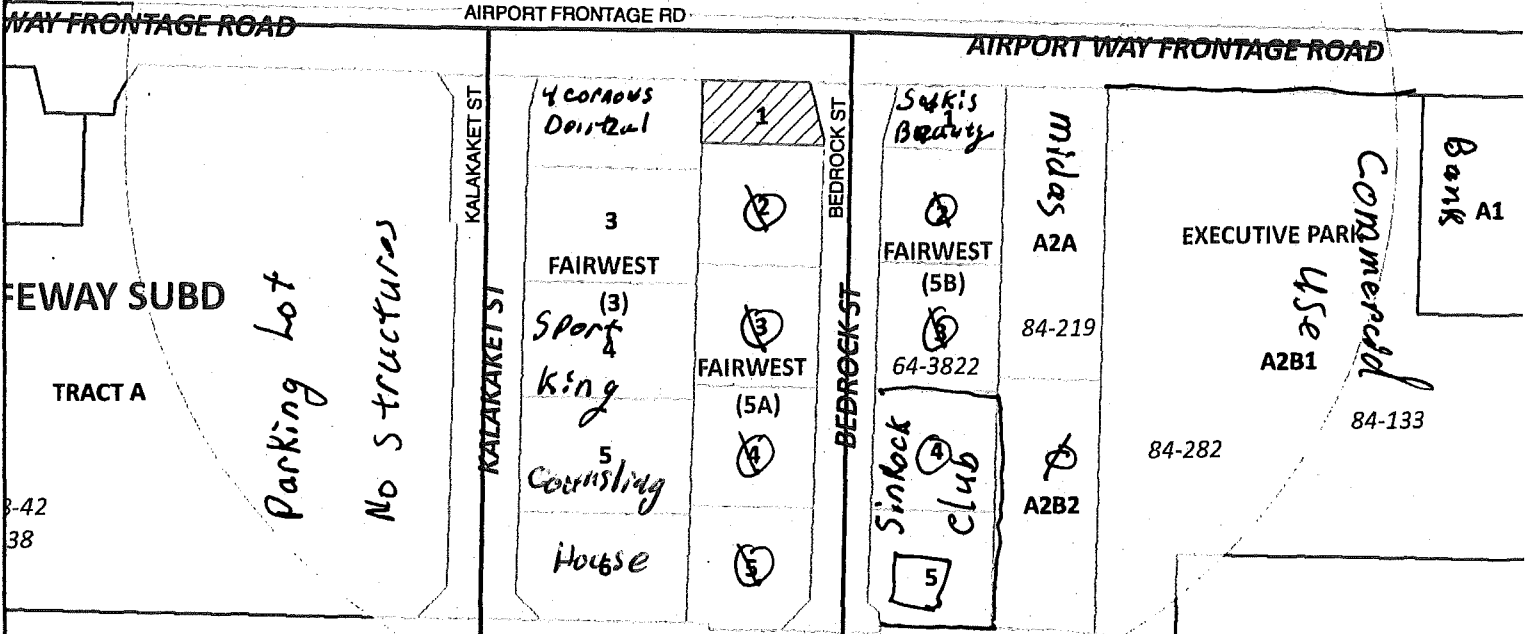
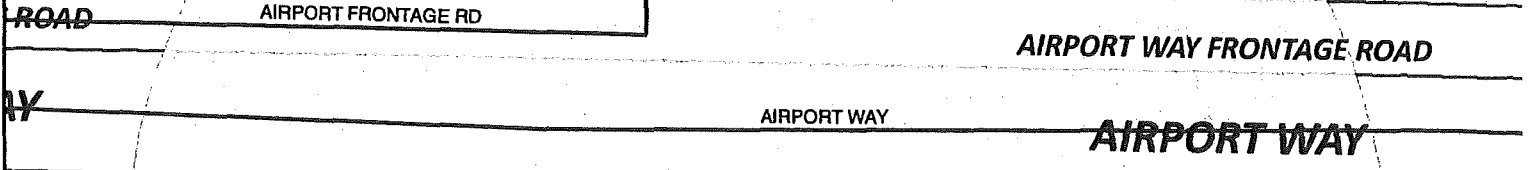
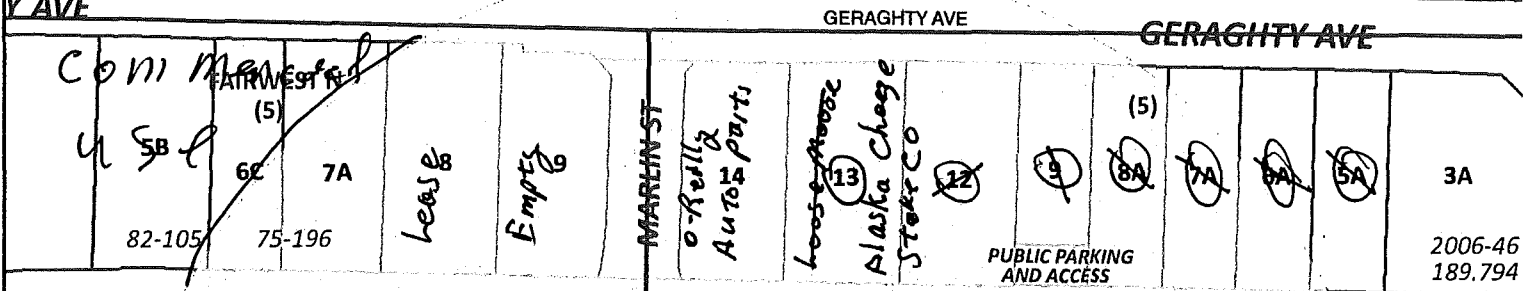
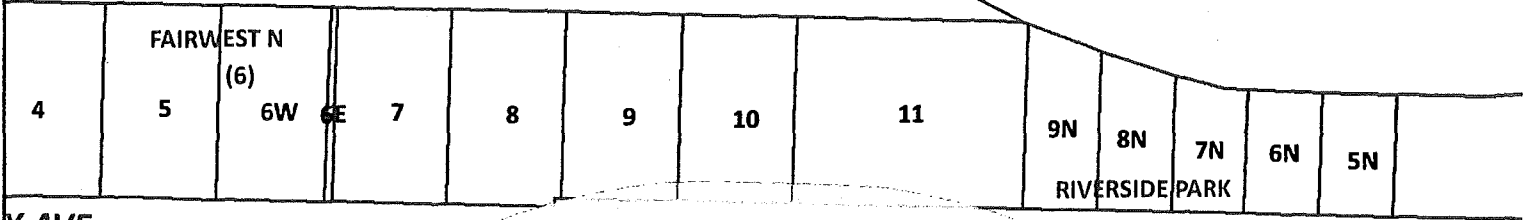
City Council Agenda Packet - June 11, 2018

1 SECURITY SYSTEM LAYOUT  
 SCALE: 1/2" = 1'-0"





CHENA RIVER



Structure: 2 story - 2400 sq ft Total

1<sup>st</sup> floor - 800 sq ft - retail ~~of marijuana~~  
600 sq ft - maintenance - employee's only

2<sup>nd</sup> floor - 2 bed room apartment (1200 sq ft)

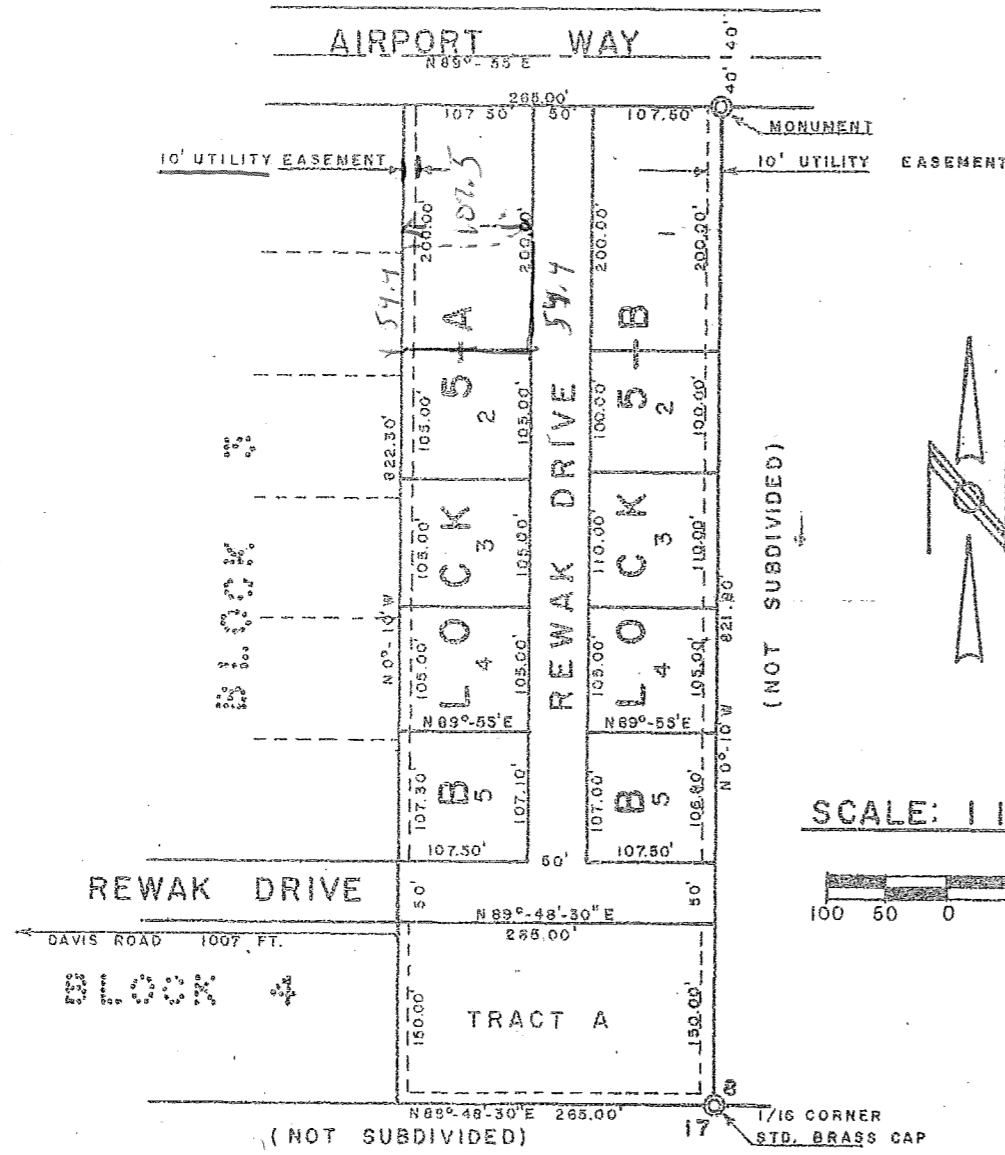
Location: 3505 Airport Way - Lot 1 Block 5A Fairwest

Type of surface material - Asphalt (existing)

\* Existing driveway on North Side of property

Property to be used for commercial marijuana sales ~~and marijuana~~

Obstruction on property will be protected by 3 4" metal posts set 3' into the property surrounding the obstruction for damage



**RESUBDIVISION PLAT  
OF  
BLOCK 5, FAIRWEST SUBDIVISION**

**A PORTION OF THE SW 1/4 SW 1/4, SEC. 8, T. 1 S, R. 1 W, F. M**

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY ABOVE AND DESCRIBED HEREOF, AND THAT I HEREBY ADJUT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

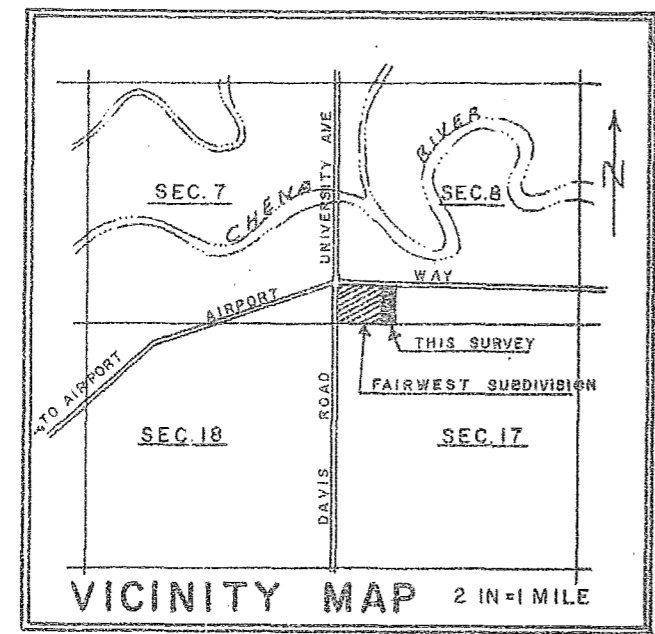
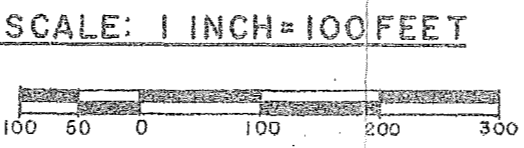
DATE: June 7, 1964  
*Robert J. Mitchell* OWNERS

**NOTARY'S ACKNOWLEDGEMENT:**

(UNITED STATES OF AMERICA) )  
 (STATE OF ALASKA) )

THIS IS TO CERTIFY THAT ON THE 4th DAY OF June, 1964 BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Robert J. Mitchell and Robert J. Mitchell WHOSE NAMES TO BE THE IDENTICAL INDIVIDUALS MENTIONED IN AND WHO EXECUTED THE WITHIN PLAT, AND THEY ACKNOWLEDGED TO ME THAT THEY SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND EARLIER TO THIS CERTIFICATE FIRST HEREIN WRITTEN.  
*Paul E. Stutzman*  
 NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA  
 MY COMMISSION EXPIRES March 19, 1968.



**FAIRBANKS**  
 Social No. 64-3822

RECORDED  FILED   
 FAIRBANKS RECORDING DISTRICT  
 Date JUN 9 1964 Time 9:25 AM  
 Recorded by Frank W. Seana  
 Address 3451 Airport Way  
Fairbanks Alaska

**CERTIFICATE OF REGISTERED ENGINEER**

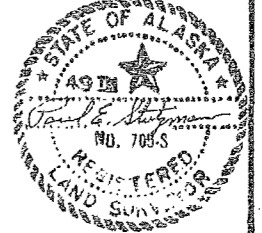
I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER AND THAT THIS PLAT REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE CORRECT.

DATE: June 8, 1964  
*Paul E. Stutzman*  
 REGISTERED ENGINEER

**CERTIFICATION OF APPROVAL BY THE BOARD**

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN ABOVE HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE GREATER FAIRBANKS PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 111 DATED May 5, 1964 AND THAT THE PLAT SHOWN ABOVE HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE RECORDER, FOURTH JUDICIAL DISTRICT, FAIRBANKS, ALASKA.

DATE: May 5, 1964  
*Paul E. Stutzman* Acting Chairman  
 GREATER FAIRBANKS PLATTING BOARD  
 ATTEST: Kenneth A. Murray SECRETARY



FRD 1964-3822-001  
 FAIRWEST



# Fairbanks North Star Borough

## All Data Report

PAN# 006438

Printed on: 07/14/201

**AIRPORT**

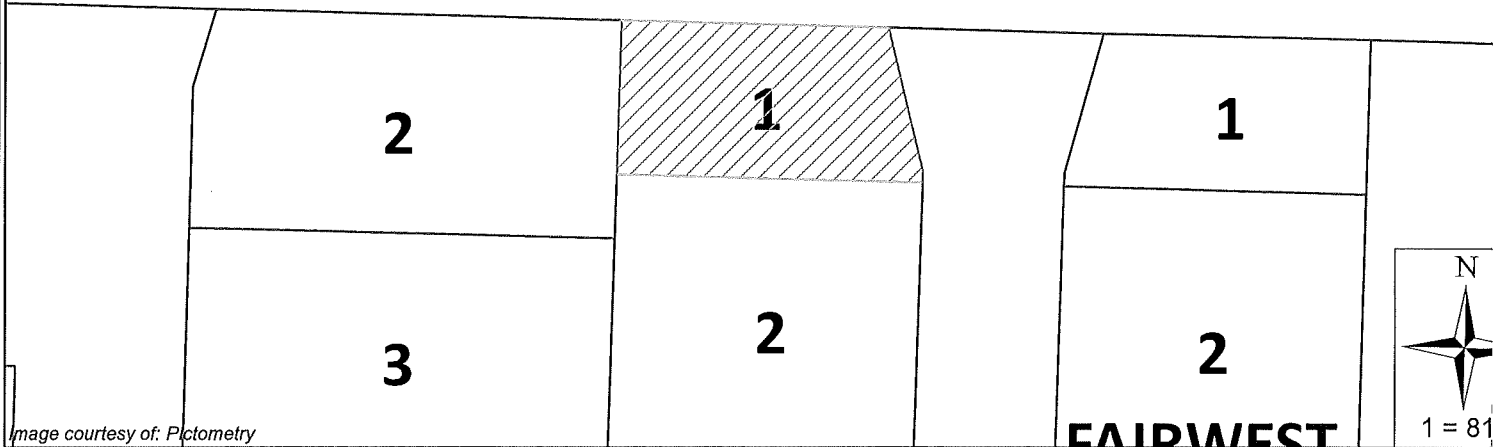


Image courtesy of: Pictometry

### Property Information for PAN#: 0064386

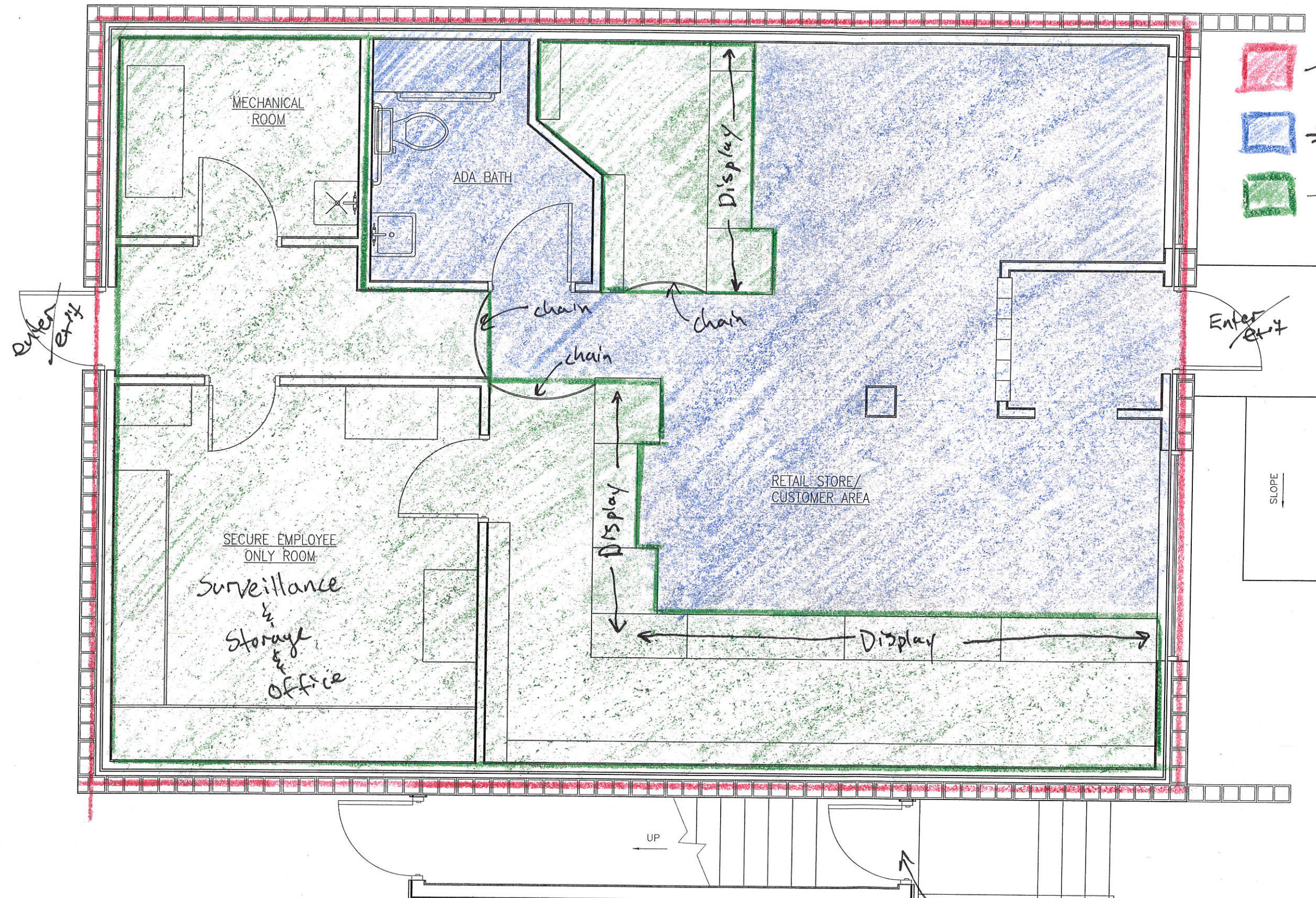
PROPERTY DESCRIPTION: FAIRWEST, BLOCK: 05A, LOT: 01  
 OWNER: Zou Feng Mei [ownership], Simpson James [co-owner]  
 BILLING ADDRESS: 3431 Airport Way Fairbanks, AK 99709 4761  
 SITUS ADDRESS: 3505 Airport Way  
 PARCEL SIZE: 5585 SF  
 NEIGHBORHOOD: Van Horn Industrial (City) (0170)  
 LAND CLASS: High Density Core Area, Low Density Retail  
 PRIMARY USE: Commercial  
 FLOOD ZONE: X: Protected By Levee (100%)  
 SPECIAL REG. AREAS: None  
 ZONING: GC (100%)  
 COMP PLAN: Urban Area (100%), Urban Preferred Commercial Area (100%), Urban Boundary (100%)  
 PLANNING DISTRICT: Fairbanks (100%)  
 ROAD DISTRICT: N/A  
 URBAN BOUNDARY (2003): YES  
 ROAD SERVICE AREA: City of Fairbanks (100%)  
 EMS RESPONSE AGENCY: N/A  
 FIRE SERVICE AREA: City of Fairbanks (100%)  
 FIRE SERVICE (Property DB): City of Fairbanks  
 STRUCTURES: Conc. or Mason (1 Unit)  
 BUSINESS ON SITE: Ron's Liquor (FKA)  
 MILL GROUP: Fairwest (0040) (Est. Mill Rate: 17.113)  
 PLAT NUMBER: FAIRWEST (FRD1964\_3822\_001)  
 DESCRIPTION (VAULT): LOT 1 BLOCK 5A FAIRWEST  
 COMMUNITY PLANNING PERMITS:  
 Zoning: 17468  
 Zoning: 17683  
 Zoning: 4644

### Assessment History

Year	Land	Improvements	Total
2017	\$44,680	\$114,423	\$159,103
2016	\$44,680	\$74,246	\$118,926
2015	\$44,680	\$42,431	\$87,111
2014	\$44,680	\$24,912	\$69,592
2013	\$44,680	\$99,689	\$144,369

Photo Date: 11, 2016 Photo No: 01





- Licensed premises
- public Access
- Restricted Access

- EMPLOYEE ONLY (RESTRICTED AREA)
- CUSTOMER AREA

1 STORE ACCESS ZONES  
 SCALE: 1/2" = 1'-0"  
 0 2' 4' 8'



ISSUED FOR CONSTRUCTION

**R.A. PRICE ASSOCIATES**  
 ARCHITECTURE - PLANNING  
 CONSTRUCTION MANAGEMENT  
 520 7th Ave, Fairbanks, Alaska 99701  
 (907) 458-6221 Fax (907) 456-2602

WISHFUL THINGS LLC  
 3505 AIRPORT WAY  
 FAIRBANKS, AK

SCALE- AS SHOWN

9/1/2017 1706

Entrance to upstairs (seperate)



Map

Google

Imagery ©2018 Google, Map data ©2018 Google, United States Terms Send feedback 100 ft



Sign in

Received by AMCO 4/24/18

# Alcohol & Marijuana Control Office

**License Number:** 13949

**License Status:** New

**License Type:** Retail Marijuana Store

**Doing Business As:** WISHFUL THINGS, LLC

**Business License Number:** 1026080

**Designated Licensee:** James Simpson

**Email Address:** jamsimpson@msn.com

**Local Government:** City of Fairbanks

**Community Council: Latitude, Longitude:**

64.836426, -147.805351

**Physical Address:** 3505 Airport Way  
Fairbanks, AK 99709-4761  
UNITED STATES

## Licensee #1

**Type:** Entity

**Alaska Entity Number:** 10031717

**Alaska Entity Name:** Wishful Things, LLC

**Phone Number:** 907-457-1933

**Email Address:** jamsimpson@msn.com

**Mailing Address:** 3431 B Airport Way  
Fairbanks, AK 99709-4761  
UNITED STATES

## Entity Official #1

**Type:** Individual

**Name:** James Simpson



**Phone Number:** 907-888-5719

**Email Address:** jamsimpson@msn.com

**Mailing Address:** 3431 B Airport Way  
fairbanks, AK 99709-4761  
UNITED STATES

**Note:** No affiliates entered for this license.

**ORDINANCE NO. 6074**

**AN ORDINANCE REPEALING FAIRBANKS GENERAL CODE  
SECTION 1-19**

**WHEREAS**, FGC Sec. 1-19 was first enacted as Section 1.114 of the 1960 Code;  
and

**WHEREAS**, Sec. 1-19 allows for the warrantless inspection of private property during reasonable hours when valid grounds exist for suspicion that public health, welfare, or safety is being jeopardized; and

**WHEREAS**, a United States Supreme Court case, *Frank v. Maryland*, 359 U.S. 360 (1959), and a Maryland case, *Givner v. State*, 124 A.2d. 764 (Md. 1956), were cited as authority for this code section; and

**WHEREAS**, *Frank v. Maryland* was overturned by *Camara v. Municipal Court of the City and County of San Francisco*, 387 U.S. 523, 528-34 (1967), which held that the Fourth Amendment bars the prosecution of persons who refuse to allow an unwarranted inspection of their personal residence; and

**WHEREAS**, the Alaska Supreme Court, in *Woods & Rohde, Inc. v. State, Dept. of Labor*, 565 P.2d 138, 150-52 (1977), ruled that the Alaska Constitution, Article I, Sections 14 and 22, affords protection against warrantless administrative searches of commercial premises; and

**WHEREAS**, because the original authority for FGC Sec. 1-19 has been overturned and the Alaska Supreme Court has ruled against warrantless administrative searches, and because the right of entry in emergency situations and for inspections is currently addressed in codes adopted in Chapter 10 of the Fairbanks General Code, this ordinance proposes to repeal FGC Sec. 1-19.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**Section 1.** That FGC Sec. 1-19, Right of entry of city officials to inspect for enforcement of health, welfare, and public safety requirements, is hereby repealed.



**Section 2.** That the effective date of this Ordinance is June \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jim Matherly, Mayor

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, CMC

\_\_\_\_\_  
Paul J. Ewers, City Attorney

Introduced by: Mayor Matherly and  
Council Member Pruhs  
Date: May 21, 2018

**ORDINANCE NO. 6075**

**AN ORDINANCE AUTHORIZING AND DIRECTING RETENTION OF  
THE PROPERTY KNOWN AS THE POLARIS BUILDING FOR PUBLIC  
PURPOSE UPON TAX FORECLOSURE**

**WHEREAS**, the Polaris Building is located at First Avenue and Lacey Street within Block 12, Fairbanks Townsite, and identified for property tax purposes as Parcel Account Number 0418111; and

**WHEREAS**, property taxes for the Polaris Building have not been paid for the years 2015, 2016, and 2017; and

**WHEREAS**, if the 2015 taxes remain unpaid at the close of business on May 25, 2018, the Fairbanks North Star Borough will receive title to the property by tax foreclosure; and

**WHEREAS**, Alaska Statutes Title 29 provides that a tax-foreclosed property may be retained by a municipality for public purpose by adoption of a retention ordinance; and

**WHEREAS**, the Polaris Building has become a blight on downtown Fairbanks; and

**WHEREAS**, in August of 2012, the City Building Official issued a Notice and Order to the owner of the property, Fairbanks Polaris Hotel, LLC, under the authority of the City's Code for the Abatement of Dangerous Buildings, to repair or demolish the Polaris Building; and

**WHEREAS**, because the owner has not responded to the Building Official's Notice and Order, the City has the legal right to demolish the Polaris Building; and

**WHEREAS**, the demolition of the Polaris Building is key to plans for urban renewal of this area of downtown Fairbanks; and

**WHEREAS**, City ownership of the property is a requirement for obtaining grant funds for demolition of the building; and

**WHEREAS**, the Fairbanks North Star Borough has agreed to waive landfill tipping fees at the time of demolition, helping reduce the total cost of the project; and

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**SECTION 1.** That the City hereby exercises its right, as provided under AS 29.45.460, to retain for public purpose the following property, owned by Fairbanks Polaris Hotel, LLC, c/o Marlow

Development Co., 337 E 4th Ave., Unit 1, Anchorage, Alaska 99501, known as the Polaris Building, located at First Avenue and Lacey Street, 123 Lacey Street (also 427 First Avenue), Fairbanks, Alaska, identified for property tax purposes as Parcel Account Number 0418111, and legally described as:

Parcel 1

A portion of Block 12, Townsite of Fairbanks, according to the survey of said Townsite known as the L.S. Robe Map of 1909, reproduced by Karl Theile, U.S. Surveyor-General in 1922, Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska, more particularly described as follows:

BEGINNING at the Northwest corner of Lot 1 in said Block; THENCE North 79°24'00" East along the Northerly line of Lots 1 and 2 in said Block, a distance of 63.17 feet; THENCE North 81°37'00" East along the Northerly line of Lots 2 and 3 in said Block, a distance of 44.20 feet to the Northeast corner of said Lot 3; THENCE South 8°06'00" East 75.50 feet to the Southeast corner of said Lot 3; THENCE South 82°09'00" West 23.55 feet; THENCE North 9°41'07" West 7.75 feet; THENCE South 80°18'53" West 79.91 feet to the Westerly line of said Lot 1; THENCE North 11°14'00" West along said Westerly line 67.02 feet to the POINT OF BEGINNING.

Parcel 2

That portion of Lots 1 and 2, Block 12, Townsite of Fairbanks, according to the survey of said Townsite known as the L.S. Robe Map of 1909, reproduced by Karl Theile, U.S. Surveyor-General in 1922, Records of the Fairbanks Recording District, Fourth Judicial District, State of Alaska, more particularly described as follows:

BEGINNING at a point on the West boundary line of said Lot 1 that is South 11°14' East 67.02 feet from the Northwest corner of said Lot 1; THENCE North 80°18'53" East 79.91 feet; THENCE South 9°41'07" East 7.75 feet; THENCE North 82°09' East 1.35 feet to a point on the East line of Lot 2; THENCE South 08°43' East along the East line of Lot 2, a distance of 75.0 feet to the Southeast corner of said Lot 2; THENCE along the South boundary line of Lots 2 and 1, South 82°15' West 77.90 feet to the Southwest boundary of said Lot 1; THENCE along the West boundary line of said Lot 1, North 11°14' West 80.18 feet to the POINT OF BEGINNING.

**SECTION 2.** That funds shall be appropriated to pay the Borough its portion of property taxes due and owing, together with applicable fees, estimated at \$49,000.

**SECTION 3.** That a signed copy of this ordinance shall be furnished to the Borough Clerk.

**SECTION 4.** That the effective date of this Ordinance shall be the \_\_\_\_ day of June 2018.

\_\_\_\_\_  
**Jim Matherly, Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, CMC, City Clerk

\_\_\_\_\_  
Paul J. Ewers, City Attorney

**CITY OF FAIRBANKS  
FISCAL NOTE**

**I. REQUEST:**

Ordinance or Resolution No: 6075

Abbreviated Title: RETENTION OF POLARIS BUILDING

Department(s): MAYOR

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget?      Yes \_\_\_\_\_      No   x  

2) additional support or maintenance costs?      Yes   x        No \_\_\_\_\_

If yes, what is the estimate?   see below  

3) additional positions beyond the current adopted budget?      Yes \_\_\_\_\_      No   x  

If yes, how many positions? \_\_\_\_\_

If yes, type of positions? \_\_\_\_\_ (F - Full Time, P - Part Time, T - Temporary)

**II. FINANCIAL DETAIL:**

EXPENDITURES:	Equipment	Contracts	Personnel	Total
FNSB Property Taxes	\$0	\$49,000	\$0	\$49,000
<b>TOTAL</b>	<b>\$0</b>	<b>\$49,000</b>	<b>\$0</b>	<b>\$49,000</b>

FUNDING SOURCE:	Equipment	Contracts	Personnel	Total
Fairbanks Downtown Association	\$0	\$49,000	\$0	\$49,000
<b>TOTAL</b>	<b>\$0</b>	<b>\$49,000</b>	<b>\$0</b>	<b>\$49,000</b>

The Fairbanks Downtown Association will provide funding for the required property taxes upon foreclosure, resulting in City ownership of the building. The support and maintenance of this property is unknown at this time.

Reviewed by Finance Department:      Initial   mb        Date   5/10/2018

**RESOLUTION NO. 4837**

**A RESOLUTION FIXING THE RATE OF TAX LEVY FOR  
MUNICIPAL PURPOSES FOR THE 2018 REAL PROPERTY  
TAX OF THE CITY OF FAIRBANKS, ALASKA**

**WHEREAS**, the real property assessment rolls have been completed, and the Fairbanks North Star Borough Assessor's Office has advised the City Mayor that the net taxable value of real property, as defined by AS 29.71.800, within the City of Fairbanks, Alaska, is estimated at **\$2,730,605,611**.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**Section 1.** The rate of levy on the net assessed value of taxable real property is hereby fixed at 6.979 mills for municipal purposes within the City of Fairbanks. The 6.979 mill rate as provided in Fairbanks Charter Section 6.5 is comprised of three parts:

General Fund Expenditures:	4.900 mills
Voter approved services (Proposition A, 2011):	.255 mills
Claims & Judgments:	1.825 mills

**Section 2.** The taxes levied hereby are due, delinquent and subject to penalties and interest as provided by Fairbanks General Code Chapter 74, Article II.

**Section 3.** Taxes in any given year may be paid in two equal installments. The first half of taxes thus levied shall be due on the first day of September in the year in which the taxes are levied and are delinquent if not paid prior to the close of business on that day. The second half of taxes thus levied shall be due on the first day of November in the year in which the taxes are levied and are delinquent if not paid prior to the close of business on that day.

**Section 4.** The sections, paragraphs, sentences and clauses and phrases of this Resolution are severable. Should any part of this Resolution be declared unconstitutional or otherwise unlawful by a valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unlawfulness shall not affect any of the remaining sections, clauses, sentences, paragraphs and phrases of this Resolution.

**PASSED and APPROVED this 11th day of June 2018.**

\_\_\_\_\_  
**Jim Matherly, City Mayor**

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, CMC, City Clerk

\_\_\_\_\_  
Paul J. Ewers, City Attorney

**City of Fairbanks  
Property Tax Computation for Mill Levy  
2018**

City Charter Sec. 6.6 A. Formula for the computation of the maximum allowable tax is: **(A-B)+D+F=G**

	<u>2017</u>	<u>2018</u>
<b>A</b> Total Amount of City Tax Levied in Prior Year	\$ 20,473,437	\$ 21,384,273
<b>B</b> Equals the amount of the actual payment of principal and interest on bonds made in prior year	-	-
Amount levied for judgments in prior year	(1,298,719)	(1,945,728)
Amount levied for additional voter approved taxes in prior year	<u>(695,380)</u>	<u>(695,380)</u>
<b>(A-B)</b>	18,479,338	18,743,165
<b>D</b> The percentage change in the CPI-U for Anchorage, AK during prior year multiplied by the net taxes levied in prior year.	0.40%      0.50%      73,917	93,716
<b>F</b> The total amount of all exclusions under City of Fairbanks Charter	2,883,403	5,830,499
<b>G</b> Total taxes calculated:      G=(A-B)+D+F	<u>\$ 21,436,658</u>	<u>\$ 24,667,380</u>

**Property tax calculation:**

Current Year Hotel/Motel Tax Budgeted	HOLD AT 1999	\$ (2,233,308)	\$ (2,233,308)
Current Year Alcohol Tax Budgeted		(2,280,000)	(2,208,634)
Current Year Tobacco Tax Budgeted		(940,000)	(940,000)
Current Year Marijuana Tax Budgeted		-	-
		<u>15,983,350</u>	<u>19,285,438</u>
<b>FGC Sec. 74-35 Surplus which exceeds 2% of prior year Revenue Cap</b>		-	-
<b>Total property taxes allowed by tax cap:</b>		<u>\$ 15,983,350</u>	<u>\$ 19,285,438</u>

**Mill Levy calculation:**

<b>Total net taxable value of Land and Improvements</b>		<u>\$ 2,712,215,673</u>	<u>2,730,605,611</u>
	<b>2017</b>	<b>2018</b>	
<b>Calculated mill levy</b>	<u>5.893</u>	<u>7.063</u>	
<b>Amount for voter approved services</b>	<u>0.256</u>	\$ 695,380	\$ 695,380
<b>Judgements and Claims Insurance</b>	<u>0.718</u>	\$ 1,945,728	\$ 4,982,048
<b>4.9 mills allowed by Charter</b>	<u>4.900</u>	<u>13,289,857</u>	<u>13,379,967</u>
<b>Property tax</b>	<u>5.874</u>	\$ 15,930,965	\$ 19,057,396
<b>Other Taxes that can be levied</b>	<u>0.007</u>	\$ 52,385	\$ 228,042

2018 Mill Levy Break Down	
Allowed by Charter	4.900
Additional voter approved services	0.255
Judgments	1.825
	<u>6.979</u>
Other taxes that can be levied	0.084
<b>Calculated mill levy</b>	<u>7.063</u>

**\* Calculation of F: The total amount of all exclusions under City of Fairbanks Charter section 6.5(B).**

f.1 The taxes on new construction or property improvements equals the projected tax revenue from the value of that new construction or property improvements, computed by multiplying the tax rate applied to properties in the City during the current fiscal year by the assessed value of the new construction and property improvements:

New construction & improvements certified value:	\$26,059,059	
Prior Year mill rate:	5.874	
This increase is included in the total taxable land value, not f.2-f.6	<u>153,071</u>	0.056

f.2 The principal and interest due in the next fiscal year on bonds:	0	
f.3 Taxes to provide additional voter-approved services:	695,380	0.256
f.4 Taxes for new judgments & claims mitigation insurance:	4,982,048	1.824
f.5 Special appropriations necessary on an emergency basis:	0	
f.6 Any taxes approved by the voters: (marijuana already included above)	<u>-</u>	
	<u>5,830,499</u>	<u>2.079</u>

U:\Finance Committee\2018\6-5-18\2018 ACTUAL mill levy.xlsx\Mill Levy 2018 BUDGET



Introduced by: Mayor Jim Matherly  
Finance Committee Review: June 5, 2018  
Introduced: June 11, 2018

**RESOLUTION NO. 4838**

**A RESOLUTION TO APPLY FOR FUNDING FROM THE ALASKA  
DEPARTMENT OF PUBLIC SAFETY FOR THE FFY2017 EDWARD  
BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)**

**WHEREAS**, the City of Fairbanks has received notification that funding is available through the Alaska Department of Public Safety for the FFY2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and

**WHEREAS**, the City of Fairbanks plans to use state JAG funds to update and improve technology available to conduct and support major case and drug investigations within the interior of Alaska; and

**WHEREAS**, the City of Fairbanks plans to request \$28,100, and a match is not required.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that the Mayor or his designee is authorized to execute any and all documents required to apply for funds on behalf of the City for this grant.

**PASSED and APPROVED this 11th Day of June 2018.**

\_\_\_\_\_  
**Jim Matherly, City Mayor**

AYES:  
NAYS:  
ABSENT:  
APPROVED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, CMC, City Clerk

\_\_\_\_\_  
Paul J. Ewers, City Attorney

**CITY OF FAIRBANKS**  
**FISCAL NOTE**

**I. REQUEST:**

Ordinance or Resolution No: 4838

Abbreviated Title: FFY2017 ALASKA DPS JUSTICE ASSISTANCE GRANT

Department(s): POLICE

Does the adoption of this ordinance or resolution authorize:

1) additional costs beyond the current adopted budget?                      Yes \_\_\_\_\_                      No   X  

2) additional support or maintenance costs?                                      Yes \_\_\_\_\_                      No   X  

If yes, what is the estimate? see below

3) additional positions beyond the current adopted budget?                      Yes \_\_\_\_\_                      No   X  

If yes, how many positions? \_\_\_\_\_

If yes, type of positions? \_\_\_\_\_ (F - Full Time, P - Part Time, T - Temporary)

**II. FINANCIAL DETAIL:**

PROJECTS:	Equipment	Building	Personnel	Total
Camera system	\$7,900			\$7,900
GPS device maint & license renewal	\$1,000			\$1,000
Earpieces and microphones for portable radios	\$2,200			\$2,200
Remote camera system	\$9,000			\$9,000
Electronic upgrade to investigations forensics computers	\$8,000			\$8,000
				\$0
<b>TOTAL</b>	<b>\$28,100</b>	<b>\$0</b>	<b>\$0</b>	<b>\$28,100</b>

FUNDING SOURCE:	Equipment	Building	Personnel	Total
AK DPS FFY2017 Edward Byrne Memorial JAG	\$28,100			\$28,100
				\$0
				\$0
<b>TOTAL</b>	<b>\$28,100</b>	<b>\$0</b>	<b>\$0</b>	<b>\$28,100</b>

Any maintenance would be included in the Police Department annual budget through the General Fund.

Reviewed by Finance Department:                      Initial   cp                        Date   6/1/2018

**ORDINANCE NO. 6076**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL  
CODE SECTION 2-119 ORDER OF BUSINESS, TO  
CHANGE THE TIME LIMITS FOR CITIZENS' COMMENTS**

**WHEREAS**, FGC Sec. 2-119 relating to the order of business for City Council meetings has been amended from time to time; and

**WHEREAS**, an informal poll taken in 2016 shows that many municipalities in the State of Alaska limit public comment to three minutes; and

**WHEREAS**, a two-minute limit on public testimony was a big success at a Council Work Session on April 23, 2018, to hear public input on City marijuana regulations, and the Work Session made it apparent that an individual can deliver a clear and meaningful message to the City Council in less than three minutes.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**Section 1.** That FGC Sec. 2-119, Order of business; citizens addressing city council is hereby amended as follows [new text in **underlined bold** font; deleted text in ~~strikethrough~~ font]:

Sec. 2-119. Order of business; citizens addressing city council.

(a) At every regular meeting of the city council, the order of business shall be as follows:

- (1) Roll call.
- (2) Invocation.
- (3) Flag salutation.
- (4) Ceremonial matters (proclamations, introductions, recognitions, and awards).
- (5) Citizens' comments on consent agenda items (testimony limited to **five** minutes).
- (6) Approval of agenda and consent agenda. (Approval of consent agenda passes all routine items indicated by asterisk (\*) on the agenda. Consent agenda items are not considered separately unless a council member so requests. In the event of such request, the item is returned to the general agenda).
- (7) Approval of minutes of previous meetings.

- (8) Special orders.
- (9) Mayor's comments and report.
- (10) Unfinished business.
- (11) New business.
- (12) Discussion items (information and reports).
- (13) Written communication to the city council.
- (14) Citizens' comments, oral communications to the city council on any item not up for public hearing (unscheduled; testimony limited to five~~thre~~three minutes).
- (15) Council members' comments.
- (16) City clerk's report.
- (17) City attorney's report.
- (18) Executive Session (if necessary).
- (19) Adjournment.

**Section 2.** That the effective date of this Ordinance is the \_\_\_\_ day of June 2018.

\_\_\_\_\_  
**JIM MATHERLY, Mayor**

AYES:  
 NAYS:  
 ABSENT:  
 ADOPTED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
 D. Danyielle Snider, CMC, City Clerk

\_\_\_\_\_  
 Paul J. Ewers, City Attorney

**ORDINANCE NO. 6077**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE  
CHAPTER 22, ELECTIONS**

**WHEREAS**, a full review of Fairbanks General Code Chapter 22 Elections has not been performed in over a decade; and

**WHEREAS**, to the extent possible, the City of Fairbanks tries to maintain uniformity with the Fairbanks North Star Borough in its election procedures; and

**WHEREAS**, the FNSB recently amended its code of ordinances regarding elections by amending language pertaining to declarations of candidacy for write-in candidates, rules for contact persons on initiatives and referendums, and the deposit fee for recount applications; and

**WHEREAS**, write-in candidates should be required to submit a declaration of candidacy form to alert the clerk and the public of their candidacy; and

**WHEREAS**, contact persons on initiatives or referendums should not serve as election officials due to their perceived or actual conflict of interest; and

**WHEREAS**, the deposit fee for a recount application should more closely approximate the true cost of a recount on a per-precinct basis; and

**WHEREAS**, FGC Chapter 22 contains inaccurate titles, redundancies, and outdated election procedures.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**Section 1.** Fairbanks General Code Chapter 22 Elections is hereby amended as follows [new text in **bold/underline** font; deleted text in ~~striketrough~~ font]:

**Chapter 22 - ELECTIONS**

**Sec. 22-1. – Definitions.**

The following **definitions and clarifications apply to this chapter**~~words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

*Days* includes weekends and holidays.

*Election* includes any regular or special election **of the City of Fairbanks**~~for the city council.~~

*Election officials* means the city clerk or **the clerk's**~~his~~ designee, election judges and election clerks, and canvassing boards.

*Oath* includes affirmation.

*Precinct* means the territory established by the state.

*Proposition* includes question.

*Publication* means a newspaper of general circulation or posting in public places.

~~*Qualified voter* is any voter who:~~

- ~~(1) Is a citizen of the United States;~~
- ~~(2) Is 18 years of age or older;~~
- ~~(3) Has been a resident of the state and of the city for at least 30 days just before the election;~~
- ~~(4) Has registered at least 30 days before the city election as required by AS 15.07 at a residence address within the city and is not registered to vote in another jurisdiction; and~~
- ~~(5) Is not disqualified under Alaska Const. art. V, § 2 and AS 15.05.030.~~

*Regular election* means a general election to fill city offices as required by section 22-6.

*Signature or subscription* includes a mark intended as a signature or subscription.

*Special election* means any election held at a time other than when a regular election is held.

*Swear* includes affirm.

*Voter* means any person who presents himself for the purpose of voting, either in person or by absentee ballot.

\* \* \* \* \*

#### **Sec. 22-5. - Qualifications of voters.**

(a) A person is qualified to vote who:

- (1) Is a citizen of the United States;
- (2) Is 18 years of age or older;
- (3) Has been a resident of the state and of the city for at least 30 days preceding the election;
- (4) Has registered at least 30 days before the election with the state and is not registered to vote in another jurisdiction; and
- (5) Is not disqualified under Alaska Const. art. V, § 2 and AS 15.05.030.

~~(b) A person is qualified to vote in a service area election if he meets the requirements listed in subsection (a) of this section and has also resided within the service area for 30 days or more prior to the election.~~

(be) If a voter's polling place is in question, a voter shall be allowed to vote,; and ~~any~~the election official shall consider the ballot as a questioned ballot.

\* \* \* \* \*

**Sec. 22-9. - Declaration of candidacy by affidavit.**

- (a) At least 95 days before each regular election, the city clerk shall publish in one or more newspapers of general circulation in the city a notice of offices to be filled at the election and the manner of declaring candidacy.
- (b) Any qualified person may have their name placed on the ballot as a candidate for not more than one elective office by filing no earlier than July 15th at 8:00 a.m., nor later than July 29th at 5:00 p.m., with the city clerk, a sworn declaration of candidacy. If July 29 falls on a Saturday or a Sunday, the filing deadline will be 5:00 p.m. the following Monday. Candidates for elective council office shall file a conflict of interest statement in accordance with the provisions of AS 39.50 at the time of filing a declaration of candidacy. Each candidate shall file the name and address of the campaign treasurer with the state public offices commission in accordance with the provisions of AS 15.13 no later than seven days after the date of filing a declaration of candidacy. A \$25.00 filing fee shall accompany every declaration of candidacy.
- (c) Declaration of candidacy affidavits shall be provided by the city clerk and shall include a provision for a statement by the candidate affirming their~~his~~ qualifications to fill the office for which they are~~he is~~ filing.
- (d) Any candidate desiring to withdraw their declaration of candidacy may do so at any time during the period for filing a declaration of candidacy and up to five business days following the closing date for filing. All declarations of candidacy which are not withdrawn shall be preserved by the city clerk for one year.
- (e) Persons filing for elective office as a write-in candidate shall file a declaration of candidacy under this section. Write-in candidates may file only after the official filing period has closed and not later than 5:00 p.m. on the day immediately preceding the election.**
- ~~(fe) A person commits the offense of making a false or misleading statement on a declaration of candidacy form when he makes a false or misleading statement on a declaration of candidacy form, knowing the statement to be false or misleading. Each declaration of candidacy **Each declaration of candidacy form** will contain the following phrase immediately above the signature of the candidate, "I understand that false statements made on this form are criminal violations."~~
- ~~(gf) Each member of the city council shall have resided within the city for one year immediately prior to the filing of the declaration of candidacy.~~
- ~~(hg) The city clerk shall determine whether each candidate for city office is qualified as provided by law. At any time during the election the city clerk may disqualify any candidate whom the clerk finds is not qualified and immediately notify that candidate by certified mail.~~

**Sec. 22-10. - Election officials.**

- (a) For precincts within the city, the city council and the borough assembly shall appoint at least three judges in each precinct to constitute the election board of that precinct. The city clerk is the election supervisor. One judge shall be designated as chairman and shall be ordinarily responsible for administering the election in that precinct. The city clerk may appoint up to three election clerks at any polling place where they are needed to conduct an orderly election and to relieve the election judges of undue hardship.
- (b) All election officials should attend a training session unless personally and specifically excused for cause by the city clerk. If any appointed election official is not able or refuses to serve on election day, the city clerk may appoint a replacement for that official.
- (c) Each election official serving at a precinct polling place must be a qualified voter and, if possible, a resident within the precinct ~~to for~~ which they are ~~he is~~ appointed.
- (d) All election judges and clerks, before entering upon their duties, must subscribe to the oath required of all public officers by the state constitution in the manner prescribed by the city clerk.
- (e) ~~A candidate or members of the candidate's immediate family shall not serve as officials for the election in which he is a candidate.~~ **Candidates and the contact persons or sponsors on an initiative or referendum shall not serve as election officials. Certain familial relationships may not exist between a candidate and a precinct election judge, election official, or member of a ballot counting team in regular, runoff, or special elections. Those familial relationships are:**
  - (1) Mother, mother-in-law, stepmother;**
  - (2) Father, father-in-law, stepfather;**
  - (3) Sister, sister-in-law, stepsister;**
  - (4) Brother, brother-in-law, stepbrother**
  - (5) Spouse**
  - (6) Grandparent; or**
  - (7) Person sharing the same living quarters.**

\* \* \* \* \*

**Sec. 22-12. - Distribution of ballots.**

- (a) The city clerk shall have the ballots in ~~his~~ possession at least 15 days before each regular election or seven days before each runoff or special election. At that time the ballots may be inspected by any candidate whose name is on the ballot, or ~~their~~ ~~his~~ authorized agent; and any mistake discovered shall be corrected immediately. Sufficient ballots for the registered voters of each precinct shall be delivered to the election board for that precinct.
- (b) The ballots shall be delivered in a separate sealed package, with the number of ballots enclosed clearly marked on the outside of the package. A receipt shall be taken from the election board member to whom each package is delivered in person or by mail; these receipts to be preserved with other records of the election for one year.



**Sec. 22-13. - Election supplies and equipment.**

- (a) Before the opening of the polls, the city clerk shall furnish to the election board of each precinct the state voter registration list for that precinct and shall equip and supply each polling place with sufficient materials for that precinct's election, including those materials required by this section.
- (b) The city clerk shall prepare instructions explaining to voters how to obtain ballots, how to mark them, and how to obtain new ballots to replace those destroyed or spoiled. These instructions shall be printed on cards in large, clear type and shall be distributed to the election boards to be prominently displayed in each polling place. The city clerk shall provide booths at each polling place with appropriate supplies and conveniences to enable each voter to mark their ballot screened from observation. Ballot boxes shall be placed outside the voting booths in plain view of the election officials, voters, and other persons at the polling place.

\* \* \* \* \*

**Sec. 22-15. - Absentee voting.**

- (a) ~~Eligibility.~~ Any qualified voter may vote an absentee ballot for any reason.
- (b) **The city clerk will provide absentee ballots, small and large envelopes, and an affidavit by which a voter shall declare their qualification to vote, followed by a provision for attestation by a witness who is 18 years of age or older.** ~~Materials for absentee voting.~~ There shall be a small blank VOTER. The return envelope shall have printed upon it an affidavit by which the voter shall declare his qualification to vote, followed by provision for attestation by a witnessing officer, or signature of an attesting witness, who is at least 18 years of age.
- (c) ~~Absentee voting in person.~~ **Absentee voting in person.**
  - (1) A qualified voter may apply for an absentee ballot in person on any date after the ballots are prepared and available, up to and including the day before the date of the election.
  - (2) On receipt of an application in person for an absentee ballot and exhibition of proof of identification as required in section 22-17, the city clerk shall issue the ballot to the applicant.
  - (3) On receipt of an absentee ballot in person, the voter shall proceed **to the voting booth** ~~in the presence of the city clerk~~ to mark the ballot in secret, to place the ballot in the small envelope, **and** to place the small envelope in the larger envelope **in the presence of the election official who will sign and date as the attesting official,** ~~and to sign the voter's certificate on the larger envelope, sign and date his signature.~~ The **election official** ~~city clerk~~ shall then accept the ballot **and immediately place the ballot in the ballot box.**
  - (4) The **election official** ~~city clerk~~ shall keep a record of the names and signature of **all** voters who cast absentee ballots ~~before him~~ and the dates on which the ballots were cast.
- (d) ~~Absentee voting by personal representative.~~ **Absentee voting by personal representative.**
  - (1) A qualified voter may apply for an absentee ballot through a personal representative on the day of, or not more than 20 days before, the date of an election. The application shall be signed by the applicant and be accompanied by a letter from a licensed physician or a

statement signed by two qualified voters stating that the applicant will be unable to go to the polling place because of physical disability.

- (2) The personal representative shall deliver the absentee ballot to the voter as soon as practicable. Upon receipt of an absentee ballot through a personal representative, the voter shall proceed to mark the ballot in secret, place the ballot in the small envelope, place the small envelope in the larger envelope, and sign the voter's certificate on the back of the envelope in the presence of the personal representative who shall sign as attesting witness and date ~~their~~**his** signature. The voter shall then return the absentee ballot to ~~their~~**his** personal representative who shall deliver the ballot to the election official who provided the ballot. The absentee ballot must be returned to the city clerk within three days from the date it is obtained but not later than 8:00 p.m. on election day. An absentee ballot that is not returned to the city clerk by the close of business on the third day from the day it is obtained may not be counted, but the voter may vote in the election.
- (3) The city clerk shall keep a record of the name and signature of each personal representative requesting an absentee ballot and the name of the person on whose behalf the ballot is requested. The city clerk shall record the date and time the absentee ballot is provided and the time the ballot is returned.
- (4) A candidate for office at that election may not act as a personal representative. An individual may serve as personal representative for not more than one physically disabled voter.

(e) ~~Absentee voting by mail~~ **Absentee voting by mail.**

- (1) A qualified voter may apply for an absentee ballot by mail if postmarked not **earlier than the first day of the calendar year in which the election is to be held** ~~more than 60 days or~~ **not** less than seven days before any election. The application shall include the address to which the absentee ballot shall be returned, ~~and the applicant's full Alaska~~ **resident** address, and **the applicant's** signature.
- (2) After receipt of an application by mail, the city clerk shall send the absentee ballot and other absentee voting material to the applicant by **first class mail** ~~the most expeditious mail service~~. The materials, **including a pre-addressed mailing envelope**, shall be sent as soon as they are ready for distribution. ~~A return envelope shall be sent with the materials addressed to the city clerk.~~
- (3) Upon receipt of an absentee ballot by mail, the voter, in the presence of ~~a notary public, other person qualified to administer oaths, or a person over the age of 18 years,~~ may proceed to mark the ballot in secret, place the ballot in the small envelope, place the small envelope in the larger envelope, and sign the voter's certificate on the back of the larger envelope, ~~in the presence of a~~ **The** witness ~~who~~ shall sign as attesting official and shall date ~~their~~**his** signature.
- (4) To be counted in the election, an absentee ballot must be postmarked on or before election day and be received by the ~~municipal clerk's office~~ **municipal clerk's office** no later than the Tuesday following the election. Absentee ballot envelopes received after ~~the canvass board has completed absentee ballot counting~~ **that time** shall not be opened, but shall be marked "invalid" with the date of receipt noted thereon. Such envelopes shall be retained with other election records and destroyed ~~with them as provided by the municipal clerk's~~ **in accordance with the city** records retention schedule. Absentee ballot envelopes shall be examined by the canvas board ~~that~~ **which** shall determine whether the absentee voter is qualified to vote at the election and whether the ballot was properly cast.

(f) ~~Absentee voting by electronic transmission~~ **Absentee voting by electronic transmission.**

- (1) A qualified voter may apply for an absentee ballot to be sent by electronic transmission. Such request must be made **by noon (Alaska Standard Time)** ~~not less than~~ the day immediately preceding the election. Absentee ballots will be electronically transmitted to the location designated in the application. If no location is designated, and if the request is received no later than seven days prior to the election, the ballot will be mailed in the manner provided for absentee ballots by mail. The ~~C~~clerk may impose reasonable conditions for electronically transmitting absentee ballots.
- (2) A ballot electronically transmitted shall contain a copy of the ballot to be used at the election in a form suitable for transmission. A photocopy of the computerized ballot card to be used by persons voting in person at the polling places is acceptable.
- (3) **Electronically-transmitted ballots may be submitted by mail in accordance with the requirements of subsection (e)(4) of this section** ~~The voter shall mark the ballot on or before the date of the election and shall use a mail service at least equal to first class and mail the ballot not later than the day of the election to the appropriate election official. The ballot may not be counted unless it is received by the close of business on the Tuesday following the election.~~
- (4) A voter may transmit the ballot electronically no later than the day before the election. The ballot shall be counted in the same manner as other absentee ballots, even though this procedure may reveal to one or more election officials the manner in which a particular absentee voter cast ~~their~~ **his or her** ballot. However, it shall be unlawful to display a telefax ballot in a manner revealing the way in which a particular voter cast ~~their~~ **his or her** ballot to any person other than the municipal clerk, a member of the clerk's staff, the election official in the course of ~~their~~ **his or her** duties, or an attorney advising the clerk on legal questions concerning the ballot.

\* \* \* \* \*

**Sec. 22-17. - Voting procedures at the polls.**

- (a) Before issuing any ballots, the election board must, in the presence of any persons assembled at the polling place, open and exhibit the ballot box to be used at the polling place. The ballot box then shall be closed and shall not be opened again or removed from the polling place until the polls have closed.
- (b) The **election** judges shall keep an original register in which each voter, before receiving ~~their~~ **his** ballot, shall sign ~~their~~ **his** name and give both ~~their~~ **his** residence and mailing address. A record shall be kept in the registration book in the space provided of the name of persons who offer to vote but who actually do not vote, and a brief statement of explanation. The signing of the register constitutes a declaration by the voter that ~~they are~~ **he** is qualified to vote. If a voter's **person's name does not appear on the official registration list of the precinct in which the person seeks to vote,** ~~polling place is in question, a voter shall be allowed to vote and any election official shall consider the ballot as~~ **the person may vote** a questioned ballot.
- (c) Before being allowed to vote, each voter shall exhibit to an election judge one form of identification, including but not limited to an official voter registration card, driver's license, birth certificate, passport, or hunting or fishing license. An election judge may waive the identification

requirement if ~~they~~he knows the identity of the voter. A voter who cannot exhibit a required form of identification shall be allowed to vote a questioned ballot.

- (d) When the voter is qualified to vote, the election judge shall give ~~the voter~~him an official ballot. The voter shall retire to a booth or private place to mark the ballot. The ballot must be voted at the polling place, and no ballot may be removed from the polling place until the election judges have completed their post-election duties.
- (e) A qualified voter who cannot read, mark the ballot, or sign ~~their~~his name may request an election ~~official~~judge, a person, or not more than two persons of ~~their~~his choice to assist ~~them~~him. If ~~an~~the election ~~official~~judge is requested, **they shall assist the voter. If any other person(s) is requested,** the person(s) shall state upon oath before the election ~~official~~judge that ~~they~~he will not divulge the vote cast by the person whom ~~they~~he assists.
- (f) If a voter improperly marks or otherwise damages a ballot, ~~they~~he shall return it to the election officials, concealing the manner in which it is marked from view, and shall request a new ballot. The election officials shall destroy the damaged ballot after having recorded its number and shall issue a new ballot to the voter. A voter may request replacement of a damaged ballot no more than three times.
- (g) Fifteen minutes before closing the polls **and at the time of closing the polls, an election official shall announce both the designated closing time and the actual time at which the announcement is made**~~the time remaining before such closure shall be proclaimed.~~ **Failure to make the announcement at 15 minutes prior to closing time shall not in any way invalidate the election or extend the time for closing of the polls. Upon closing, no person will be allowed to enter the polling place for the purpose of voting. Every qualified voter present and in line at the time prescribed for closing the polls may vote.** ~~When the polls are closed for the purposes of voting, that fact shall likewise be proclaimed; and thereafter no ballot shall be issued except to those voters who were present and waiting their turn to go through the voting procedure at the time prescribed for closing the polls.~~
- (h) When the polls are closed and the last ballot has been cast, the election board shall account for all ballots by completing a ballot statement containing the number of official ballots supplied in a manner prescribed by the city clerk.**
- (i) The election board shall count the number of questioned ballots and shall compare that number to the number of questioned voters in the register. Discrepancies shall be noted on the ballot statement.**
- (j) Poll watchers will be allowed at city precincts with the same rights and under the same restrictions as provided for under state law and Fairbanks North Star Borough ordinance.

#### Sec. 22-18. - Questioning procedure.

- (a) Every election ~~official~~judge and election clerk shall question, and any person qualified to vote in the precinct may question, a person attempting to vote if the questioner has good reason to suspect that the questioned person is not qualified to vote **in the election**. All questions **regarding a person's qualifications to vote** shall be made in writing, setting out the reason(s) for the question. A questioned person, before voting, shall subscribe to **an oath or affirmation on**

declaration in a form provided by the election official city clerk, attesting to the fact that in each particular the person meets all the qualifications of a voter, ~~that he is not disqualified, and that he has not already voted at the same election.~~ **If the question is to residence within the precinct or voting area, the questioned person** He shall **also** state the place from which ~~they~~he came immediately before living in the precinct **where offering to vote** in which he now offers to vote and the length of time of his residence in the former place. After the questioned person has executed the oath or affirmation declaration, the person may vote. If the questioned person refuses to execute the oath or affirmation declaration, the person **shall** may not vote.

- (b) If a voter's polling place is in question, ~~he shall be allowed to~~ **the voter shall vote** vote, and any election official shall consider the ballot as a questioned ballot **after complying with subsection (a) of this section.** The voter whose ballot is being questioned shall complete a statement concerning his residence on a form provided by the city clerk.

#### **Sec. 22-19. - Disposition of questioned votes.**

A voter who casts a questioned ballot shall vote ~~their~~his ballot in the same manner as prescribed for other voters. After the election official or judge removes the numbered stub from the ballot **and the voter votes the ballot**, the voter shall insert the ballot into a small blank envelope, seal it, and put the envelope into a larger envelope on which the statement ~~the voter~~he previously signed is located. These larger envelopes shall be sealed and deposited in the ballot box. When the ballot box is opened, these envelopes shall be counted and compared to the voting list, segregated, and delivered to the city clerk for delivery to the election canvass board. **The election canvass board shall review and judge the applicability of all questioned ballots**

#### **Sec. 22-20. - Unused ballots.**

**The number of unused ballots shall be recorded, and all such ballots shall be disposed of as instructed by the clerk before ballot box is opened.** All ballots not voted by voters shall be returned by the judges to the city clerk for destruction. The city clerk shall keep a record of the number of ballots returned to him, indicating when and by which judge each was returned. The number of ballots damaged by voters and replaced by election officials pursuant to section 22-17 shall **also** be recorded. **The record of unused ballots and damaged and replaced ballots shall be preserved for at least 30 days after certification of the election.**

#### **Sec. 22-21. - Counting ballots.**

- (a) **In optical scan or other computer-read or electronic ballot precincts, when the polls have closed and the last vote has been cast, the election board shall immediately transmit election results to the clerk following the written instructions provided to each precinct. Once the election results have been transmitted, the election board shall open the ballot box and place all ballots in the tamper-proof containers provided. The election board shall remove all questioned ballots and place them in the container provided. The election board shall proceed with the ballot accountability and poll closing procedures provided by the clerk.** The opening of the ballot box and the counting of ballots shall be accomplished in full view of any persons present. However, the chairman of the election board shall not permit anyone present to interfere in any way or to distract the appointed officials from their duties, and no one other than appointed election officials may handle the ballots.

- (b) The clerk may issue rules prescribing the manner in which the precinct ballot count is to be accomplished so as to assure accuracy in the count and to expedite the process. The election board shall account for all ballots by completing a ballot statement containing (1) the number of official ballots received; (2) the number of official ballots voted; (3) the number of official ballots spoiled; and (4) the number of official ballots unused and destroyed. The board shall count the number of questioned ballots and shall compare that number to the number of questioned voters who signed the register. Discrepancies shall be noted, and the numbers shall be included in the certificate prescribed by the clerk. Immediately following the closing of the polls, the election officials shall open the ballot box and count the number of ballots cast with necessary adjustments to account for the number of ballots required to present to each voter all the offices and propositions on which he is entitled to vote. The number of ballots cast shall agree with the number of signatures on the precinct register. If a discrepancy exists which cannot be resolved, the election officials shall explain the discrepancy to the best of their ability in writing for delivery to the city clerk.
- (c) Ballots may not be counted before 8:00 p.m., local time on the day of the election. If computer counted ballots are used, the election officials shall make a preliminary inspection of the ballot cards, separating those obviously damaged or marked in a questionable manner. After the preliminary inspection is complete, all the ballots shall be placed in the container provided and a seal affixed. The sealed container shall be delivered to the counting center by two or more election judges. If election judges of a precinct are unable personally to deliver the ballots of their precinct to the counting center due to weather or road conditions, delivery may be arranged with all due and proper safeguards by the state or city police.
- (d) ~~If paper ballots are used, the election board shall tally the votes cast in the manner prescribed in this chapter. When the tally of votes is completed, a certificate of returns shall be prepared and signed by the election judges. After completion of the certificate of returns, the counted ballots shall be sealed in an envelope provided by the city clerk and shall be delivered to the city clerk.~~

#### Sec. 22-22. - Rules for determining mark.

All canvassing and counting of ballots will be conducted according to the following rules:

- (1) A failure to properly mark a ballot as to one or more candidates does not in itself invalidate the entire ballot.
- (2) A voter may mark **their**his ballot only by using ~~punch marks as may be made through use of the provided ballot marking machine or, if paper ballots are used,~~ a cross mark, "X" mark, diagonal, horizontal or vertical mark, solid mark, circle, or asterisk ~~shall be made with pencil or pen and ink.~~ The marks will be counted only if they are substantially inside the **ovals**squares provided, or touching the **ovals**square so as to indicate clearly that the voter intended the particular **ovals**square to be designated.
- (3) If a voter marks fewer names than there are persons to be elected to the office, the vote will be counted for each candidate properly marked.
- (4) If a voter marks more names than there are persons to be elected to the office, the votes for that office will not be counted.
- (5) Improper marks on the ballot will not be counted and will not invalidate marks for candidates properly made.

- (6) Any erasure or correction invalidates only that section of the ballot on which it appears.
- (7) Write-in votes are not invalidated by writing in the name of a candidate whose name is printed on the ballot unless the printed name is for the same office and has also been marked or unless the election board determines, on the basis of other evidence, that the ballot was so marked ~~as to be~~ for the purpose of identifying the ballot.
- (8) In order to vote for a write-in candidate, the voter must write in the candidate's name in the space provided and, in addition, mark the ~~oval~~~~square~~ opposite the candidate's name in accordance with subsection (2) of this section.
- (9) Stickers ~~bearing the candidate's name may~~ **cannot** be used on the ballot. **Use of stickers may cause that portion of the ballot to be invalidated.**

**Sec. 22-23. - Tally of votes.**

- (a) ~~Tally of votes cast by paper ballot.~~ The city clerk shall issue instructions and shall provide forms and supplies for the tally of votes cast by paper ballot so as to assure accuracy to expedite the process. The election board shall canvass and count the votes according to the rules for determining mark on ballots prescribed in section 22-22. The election board shall canvass the ballots in a manner that allows watchers to see the ballots when opened and read. No person handling the ballot after it has been taken from the ballot box and before it is placed in the envelope for delivery to the city clerk may remove a ballot from the immediate vicinity of the polls or have a marking device in hand.
- (b) ~~Tally of votes by computer~~ **Tally of votes by computer.**
  - (1) Election judges and clerks serving at the counting center shall be appointed in the same manner as those serving at the polling places. Any qualified voter of the city, **except a candidate for city office or a member of a candidate's immediate family or contact persons and sponsors on an initiative or referendum** may be appointed for this service.
  - (2) Upon receipt of the ballot container, an election official shall test the seal and certify that it has not been broken. If there is a discrepancy, it shall be brought to the city clerk's attention **immediately**~~at this time.~~
  - (3) After certification that the seal on the ballot container was intact upon receipt, a counting center official shall break the seal and remove the ballots. Those ballots that cannot be processed by the computer due to physical damage shall be stamped "DEFECTIVE" and shall be delivered to the ~~canvasser~~~~control~~ board.
  - (4) Three election officials, as a board, shall prepare facsimiles of all defective ballots, recording ballot numbers in the manner prescribed by the city clerk in order to permit verification of duplication if necessary at a later date. Facsimile ballots shall be placed with the valid, non-defective ballots of the precinct to be delivered to the computer area for tally of votes. Defective ballots of which facsimiles have been prepared and rejected ballots shall be placed in an envelope bearing the number of the precinct at which they were cast and shall be **preserved by**~~delivered to~~ the city clerk ~~to be preserved~~ for one year.
  - (5) Only those ballots **marked**~~punched~~ in accordance with section 22-22 shall be counted.
  - (6) Computer tally of votes cast shall be directed by the city clerk, ~~and~~ shall be observed by an independent review board, **and shall be open to the public**~~appointed by the assembly.~~ When the tally of votes has been completed, the voted ballots shall be sealed into containers

and delivered to the city clerk to be preserved for one year. Ballot containers may not be opened unless the city clerk is ordered to do so by the city council assembly or by the court.

- (7) Write-in votes will only be tabulated manually by person when the total number of write-in votes for any office exceeds the smallest number of votes cast for any candidate for that office whose name is printed on the ballot.

#### Sec. 22-24. - Canvass of returns.

- (a) Before each election, the city council assembly shall appoint four or more at least three qualified voters, who shall constitute the election canvass board for that election. All members of the election canvass board, before entering upon their duties, must subscribe to the oath required of all public officers by the Constitution constitution of the State of Alaska state in the manner prescribed by the city clerk.
- (b) On the day following each election, or as soon as is practicable, the election canvass board shall meet in public session and canvass all election returns. ~~The canvass may be postponed for cause from day to day, but there shall be no more than three such postponements.~~ In full view of those present, the election canvass board shall judge the applicability of absentee and questioned ballots, shall open and tally those accepted, and shall compile the total votes cast in the election. The canvass of the ballot vote counted by precinct election boards shall be accomplished by reviewing the tallies of the recorded vote to check for mathematical error by comparing totals with the precinct's certificate of results. All obvious errors found by the election canvass board in the transfer of totals from the precinct tally sheets to the precinct certificate of returns shall be corrected by in the canvass board certificate of election returns and reported to the city council as having been corrected. If in the opinion of the canvass board a mistake has been made in precinct returns which is not clearly an error in the transfer of results from the tallies to the certificate of results, the canvass board may recommend to the governing body that a recount of that precinct's results be made for that portion of the returns in question.
- (c) ~~Questioned and absentee ballots shall be counted as follows:~~ **The canvass board shall begin reviewing questioned and absentee ballots the day following the election. All ballots received must be reviewed and counted by the Tuesday following the election. No questioned or absentee ballot shall be counted if the voter has failed to properly execute the oath and affidavit, if the witness or the officer or other person authorized by law to administer the oath fails to affix their signature, if the voter's registration has been cancelled under state law, or if the voter fails to enclose their marked ballot inside the small envelope provided. The canvass board will review all questioned and absentee ballots to determine eligibility of the voter. If a ballot is rejected, the clerk shall send a statement to the voter stating why their ballot could not be processed. All rejected questioned and absentee ballots shall be enclosed in a separate envelope with statements of the basis for the rejection. If a questioned or absentee ballot is accepted, the canvass board shall place the valid ballot in a separate container to be opened and counted on the Tuesday following the election.** ~~The city clerk or a member of the election canvass board may question the qualifications of an absentee voter when read from the voter's certificate on the back of the large envelope if he has good reason to suspect that the voter is not qualified to vote, is disqualified, or has voted at the same election. The person questioning the qualifications shall specify the basis of the question in writing. The canvassing board by majority vote may refuse to accept the question and count the ballot. If the ballot is refused, the city clerk shall return a copy of the statement of the question to the voter and shall enclose all rejected ballots in a separate envelope with statements of~~



~~question. The envelope shall be labeled "rejected ballots" and shall be transmitted to the city council with the election certificates and other returns. If the ballot is not refused, the large envelope shall be opened and the smaller inner envelope shall be placed in a container and mixed with other blank absentee ballot envelopes, or in the case of counting questioned ballots, with other blank questioned ballot envelopes. The mixed smaller blank envelopes shall be drawn from the container, opened and the ballots counted according to the rules of determining properly marked ballots.~~

- (d) Upon completion of the canvass, the canvassing board shall prepare a certificate of the results of votes cast by absentee ballots, questioned ballots, and ~~ballots of votes cast by~~ regular ballot and shall prepare and submit a written report of the results to the city council.

**Sec. 22-25. – Votes required for election to office; Certification of the election.**

**(a) To be elected to the office of city mayor, a candidate must receive over forty percent of the votes cast for that office. A runoff election for the office of mayor shall be held between the two candidates receiving the highest number of votes if no candidate receives over forty percent of the votes cast.**

**(b) To be elected to the office of city council, a candidate must receive the greatest number of votes cast for that seat.**

~~(c)~~ (ca) As soon as possible after completion of the canvass, the city council shall meet in public session to receive the report of the canvass board. If after considering the report the city council determines that the election was validly held, such conclusion shall be declared and entered upon the minutes of the meeting.

~~(d)~~ (db) If the canvass board reports a failure to comply with provisions of state law and city ordinance or illegal election practices have occurred and that such failure is sufficient to change the outcome of the election, the city council may exclude the votes cast in one or more precincts where such failure or illegal practices have occurred from the total returns or may declare the entire election invalid and order a new election.

~~(e)~~ (ee) If the canvass board reports an apparent discrepancy in the returns of one or more precincts, the city council may order a recount of the votes cast in those precincts. Such recount shall be conducted immediately by the canvassing board and the results reported ~~to~~ by the city council.

~~(f)~~ (fd) In case of failure to elect because of a tie vote, the city council shall immediately cause the canvass board to recount the votes. If there is still a failure to elect because of a tie vote in the regular election, the names of the two tied candidates shall be entered in ~~a~~ the runoff election. ~~If no candidate in a regular election received a majority of votes cast and there is a tie for the second highest number of votes cast, the city council shall immediately cause the canvass board to recount the votes. If there is still a tie for the second highest number of votes cast, the second name to be placed on the runoff ballot shall be determined fairly by lot from among the candidates tying in a meeting of the city council and under its direction.~~ In case of failure to elect in a runoff election because of a tie vote, the city council shall immediately cause the canvass board to recount the votes. If there is still a failure to elect because of a tie after completion of the recount, the election shall be determined fairly by lot from among the candidates tying in a meeting of the city council and under its direction.

- (ge) Upon certification of a valid election, the city council shall direct the city clerk to deliver to each person elected to office a certificate of election signed by the city clerk and authenticated by the seal of the city.

**Sec. 22-26. – Recount application~~Election recounts.~~**

- (a) A defeated candidate or ten qualified voters who believe there has been a mistake made by an election official or by the canvassing board in counting the votes in an election may file an application requesting a recount. **The recount application shall be filed** with the city clerk no later than 5:00 p.m. on the Monday following the election or **one business day**~~24 hours~~ after completion of the canvass-board, whichever is later. **The date on which the city clerk receives an application, rather than the date of mailing or transmission, determines whether the application is filed within the time allowed under this section.** The applicant shall include a deposit in cash or certified check for ~~\$100.00~~**\$200.00 per election precinct to be recounted.** The deposit shall be applied against any costs incurred pursuant to subsection (e) of this section or refunded if there is no liability for recount costs.
- (b) **Recount application forms shall be provided by the city clerk.** The application shall specify **with particularity the grounds for the contest**~~in substance the basis of the belief that a mistake has been made~~, the particular election precinct(s) or precincts for which the recount is to be held, the particular office, proposition or question for which the recount is to be held, and that the person making the application is a candidate or that the ten persons making the application are qualified voters **of the city.** The application for a recount shall bear the notarized signature of the candidate or the ten qualified voters seeking the recount.
- (c) Upon receiving an application in substantially required form, the city clerk shall appoint a recount board of four or more qualified voters to conduct the recount of ballots as soon as possible of ~~the~~**those** precinct(s) cited in the application for recount. The rules governing the counting of marked ballots by the election board shall be followed. **The city clerk shall make the final determination on which ballots or parts of ballots were properly marked.** Those requesting the recount, those whose election is recounted, and the public shall be allowed to attend the recount proceeding.
- (d) Upon completion of recount, the recount board shall certify the results of the recount to the city council. The city council shall declare the final election results and direct the city clerk to deliver to each person elected to office a certificate of election signed by the city clerk and authenticated by the seal of the city.
- (e) The applicant for the recount shall pay all costs and expenses incurred in a recount of an election demanded by the applicant if the recount fails to reverse any result of the election or **if** the difference between the winning and losing vote on the result **for which the recount is** requested ~~for recount~~ is more than one percent.
- (f) ~~A candidate or any person who requested a recount who has reason to believe an error has been made in the recount involving any question, proposition, candidate or validity of any ballot may appeal to the superior court within ten days after the city council has declared the election results. If no such action is commenced within the ten day period, the election and the election results shall be conclusive, final and valid in all respects.~~ **If two or more candidates having the highest**

**number of votes for the same office, to which only one candidate is to be elected, are separated by ten votes or less, the city clerk shall initiate a recount of that race. The clerk shall cease a recount under this subsection if a defeated candidate concedes the election in writing no later than the close of business two days after completion of the canvass.**

**Sec. 22-27. - Contest of election.**

A defeated candidate or any ten qualified voters who **caused the recount of** ~~contested~~ an election may bring an action in the superior court within ten days after the city council has concluded that the election was validly held and the results entered upon the minutes. Such legal action shall be upon the grounds set forth in AS 15.20.540 for contesting state elections. The judge shall render a decision as required by AS 15.20.560 for state elections. If no such action is commenced within the ten-day period, the election and the election results shall be conclusive, final, and valid in all respects.

\* \* \* \* \*

**Section 2.** That the effective date of this Ordinance shall be the \_\_\_\_ day of June 2018.

\_\_\_\_\_  
**Jim Matherly, City Mayor**

AYES:  
NAYS:  
ABSENT:  
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
D. Danyielle Snider, City Clerk

\_\_\_\_\_  
Paul J. Ewers, City Attorney



HOTEL-MOTEL DISCRETIONARY FUND COMMITTEE  
MEETING MINUTES, JANUARY 10, 2018  
FAIRBANKS CITY COUNCIL CHAMBERS  
800 CUSHMAN STREET, FAIRBANKS, ALASKA



The Hotel-Motel Discretionary Fund Committee convened at 12:00 p.m. on the above date to conduct a meeting at the City Council Chambers, 800 Cushman Street, Fairbanks, Alaska, with Council Member June Rogers (Seat F) presiding and with the following members in attendance:

Members Present:                    Kathryn Fitzgerald, Seat A  
    Ron Woolf, Seat B  
    John Kohler Jr, Seat D

Absent:                                 Vacant, Seat E  
    John Nobles, Seat C

Also Present:                         Michelle Gutierrez, Deputy Clerk I  
    Margarita Bell, City Controller

**APPROVAL OF MEETING MINUTES** – December 5, 2017 & December 8, 2017

**Mr. Kohler**, seconded by **Mr. Woolf**, moved to APPROVE the Meeting Minutes of December 5, 2017 and December 8, 2017.

**Chair Rogers** called for objection and, hearing none, so ORDERED.

**NEW BUSINESS**

a)        Application verbage

**Chair Rogers** recommended members to overlook the application, and to email any suggestions for change to each other and/or to **Ms. Bell**. Chair Rogers stated that in the upcoming future there will be meetings with Margarita to properly go over the application and any necessary changes. Chair Rogers would like to see a clear lining statement, stating if the applications are missing this or that, to determine them invalid. **Mr. Kohler** mentioned if grants are for non profit. Chair Rogers stated the application option can be for any business, nonprofit or not. **Ms. Fitzgerald** commented on the city code regarding this grant. **Ms. Bell** asked for comments from the members if anything from the application they wish to keep. **Ms. Fitzgerald** and **Mr. Woolf** would like to keep the financial requirements in the current application. Chair mentioned the convenience of the financial report requirements. Mr. Kohler wants to keep the evidence portion, knowing where the money is being spent. Ms. Fitzgerald mentioned the importance of a fileable pdf application. Ms. Bell spoke to the analysis of the statements, if what she does is helpful to the committee. The finance personel is going above and beyond, checking past the checklist of the turned in applications. Mr. Kohler stated the extended analysis from Ms. Bell should stay in place. Ms. Bell mentioned the amount of time it takes to go through each application and the fine details of the reports. Ms. Fitzgerald mentioned the dept of the financial reports and the

calculations that go along with it. Chair Rogers stated that the analysis of the reports, puts all of the applicants on the same playing field. Chair Rogers stated the application is clear and simple, therefore an appeals process is out of the question. Mr. Woolf agreed.

b) Deciding factor of logo

**Mr. Martin** from Tanana Valley Railroad, member of the public, voted for logo number 3, which is the Alaska map outline in a circle, similar to the city seal. Mr. Martin gave his input on the application process and his experience with being dropped last year, due to lack of financial forms. He also mentioned 501-C3 should be a part of the application.

**Mr. Woolf**, seconded by **Ms. Fitzgerald**, moved to approve the logo as amended. Logo will reflect the golden people.

**Chair Rogers** called for objection and, hearing none, declared the MOTION CARRIED.

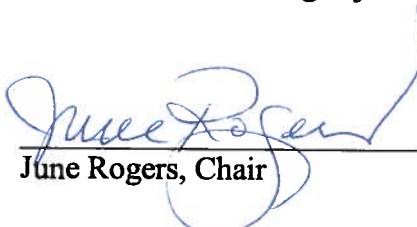
**NEXT MEETING**

The Hotel/Motel Meeting will be held in May 2018.

**ADJOURNMENT**

**Mr. Kohler**, seconded by **Mr. Woolf**, moved to ADJOURN the meeting.

**Chair Rogers** called for objection and, hearing none, declared the meeting adjourned at 1:31 p.m.

  
\_\_\_\_\_  
June Rogers, Chair

  
\_\_\_\_\_  
Michelle Gutierrez, Deputy Clerk I

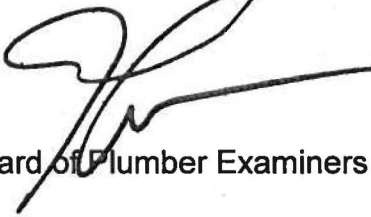
Transcribed by: MG

*City of Fairbanks*



MEMORANDUM

To: City Council Members  
From: Jim Matherly, City Mayor  
Subj: Request for Concurrence – Board of Plumber Examiners  
Date: June 1, 2018



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The terms of Seat B and Seat E on the Board of Plumber Examiners will expire on June 30, 2018.

The incumbents, Michael Davis and Kraig Hogenson, wish to remain on the Board. I hereby request your concurrence to the following **re-appointments**:

Mr. Michael Davis, Seat B – Term to Expire: June 30, 2021

Mr. Kraig Hogenson, Seat E – Term to Expire: June 30, 2021

The applications of each incumbent are attached.


Thank you.

dds/




# BOARD OF PLUMBER EXAMINERS


## BOARD DETAILS




OVERVIEW



**SIZE** 6 Seats



**TERM LENGTH** 3 Years



**TERM LIMIT** N/A

The Board of Plumber Examiners is empowered to perform the duties as prescribed in Sections 2-306 through 2-309, as well as Sections 14-291 through 14-301 of the Fairbanks General Code (FGC).



### DETAILS

#### BOARD/COMMISSION CHARACTERISTICS

The Board of Plumber Examiners shall consist of five members, at least three members of the board shall be residents of the City, each member shall serve a three-year term. The members shall be appointed by the Mayor, subject to confirmation by the City Council. The chairman shall be elected by the Board of Examiners subject to approval by the City Council, and shall serve in this capacity for one year. The City Building Official shall be a non-voting, ex officio member of the board and shall act as secretary.

#### MEETINGS

The Board of Plumber Examiners shall meet at least once each quarter and all meetings shall be open to the public. The chairman in his discretion is authorized to call special meetings, or a majority of the members may require a special meeting to be called. A majority of the board shall constitute a quorum for the transaction of business, and three affirmative votes shall be necessary to carry any question. Permanent records, or minutes, shall be kept. The minutes shall promptly be filed in the Office of the City Clerk and shall be open to inspection by any person.

[Meeting Minutes](#)

#### ENACTING LEGISLATION

FGC 2-306 through 2-309

#### ENACTING LEGISLATION WEBSITE

<http://bit.ly/2Csgr3v>

#### JOINT COMMISSION DETAILS

N/A

#### EMAIL THE COMMISSION MEMBERS

[boardofplumberexaminers@fairbanks.us](mailto:boardofplumberexaminers@fairbanks.us)

**Profile**

Michael

First Name

Davis

Last Name

[Redacted]

Email Address

[Redacted]

Street Address

[Redacted]

Suite or Apt

Fairbanks

City

AK

State

[Redacted]

Postal Code

**Mailing Address**

[Redacted]

**Are you a City of Fairbanks resident? \***

Yes

[Redacted]

Primary Phone

[Redacted]

Alternate Phone

Chinook Fire Protection

Employer

Superintendent

Job Title

**Which Boards would you like to apply for?**

Board of Plumber Examiners: Submitted

**Interests and Experiences**

**Why are you interested in serving on a City board or commission? What experiences can you contribute to the benefit of the board or commission?**

Reapplying for another term. I have enjoyed the past term.



**Please provide a brief personal biography in the space below, or attach a resume.**

---

My biography and resume are on file. Thank you.

---

Upload a Resume

**List any professional licenses or training you believe are relevant to the seat you are applying for.**

---

Mechanical administer license, master plumbing license, and SOA certificate of fitness all are on file.

### Profile

Kraig  
First Name

Hogenson  
Last Name

[Redacted]  
Email Address

[Redacted]  
Street Address

[Redacted]  
Suite or Apt

Fairbanks  
City

AK  
State

[Redacted]  
Postal Code

### Mailing Address

[Redacted]

### Are you a City of Fairbanks resident? \*

Yes

[Redacted]  
Primary Phone

[Redacted]  
Alternate Phone

Patrick Mechanical LLC  
Employer

Project Manager/Estimator  
Job Title

### Which Boards would you like to apply for?

Board of Plumber Examiners: Submitted

### Interests and Experiences

**Why are you interested in serving on a City board or commission? What experiences can you contribute to the benefit of the board or commission?**

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I am currently on the Plumbers Examining Board. I believe my 26 years in the plumbing/mechanical field provide a meaningful contribution to this committee. I have many years of field experience as well as management experience which help me to see the many different aspects of the plumbing and mechanical construction trade.

**Please provide a brief personal biography in the space below, or attach a resume.**

---

I joined the Plumbers & Pipefitters union in 1992 and completed a 5 year apprenticeship with Local 375. I received my State of Alaska Plumbing License in 1996 and have kept this license current since then. I became a Building Trades Journeyman Plumber/Pipefitter in 1997. I worked for local mechanical contractors as a Journeyman/Foreman, all in the Fairbanks area and went to work for Patrick Mechanical in 2006. I continued to work as a Foreman for Patrick Mechanical until 2009, when I moved into the project management & estimation side of the business. I am currently still in that position at Patrick Mechanical. On the personal side of things, I enjoy mountain biking in the summer and snowmobiling in the winter. In my spare time, I enjoy working on/restoring classic cars & trucks.

---

Upload a Resume

**List any professional licenses or training you believe are relevant to the seat you are applying for.**

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State Of Alaska Certificate of Fitness ( Plumbing License ), United Association Medical Gas Installer/Brazing Certification, ASHE Health Care Construction Certificate.